

**FINAL**

**BOARD OF SELECTMEN'S MEETING**

**April 1, 2013**

**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; Athos Rassias, Vice Chairman; Bill Geraghty, Selectman; Nancy Carter, Selectman; and Julia Griffin, Town Manager.

Absent: Jay Buckey, Selectman.

**1. PUBLIC COMMENT.**

Chairman Christie asked for Public Comment. There were no comments from the Public.

**2. PRE-TOWN MEETING TO CONSIDER THE PROPOSED WARRANT FOR THE MAY 14, 2013 TOWN MEETING.**

Chairman Christie opened the Pre-Town Meeting public hearing. He then tabled this item to start the discussion on item #3.

Ms. Griffin noted that the Board has the Warrant in front of them but it still needs Town Counsel review. She noted that Articles One through Five appear on the daytime ballot and then Article Six is taken up at the Business Meeting. She reported that Jay Pierson has agreed to sign on for a three (3) year term to the Advisory Board of Assessors; there are three (3) fence viewers and two (2) surveyors of wood and timber; and one (1) Pine Park Commissioner, Linda Fowler who has agreed to continue with another three (3) year term.

Ms. Griffin stated that Article Seven will be to honor various people including the Hanover Parks & Recreation Department Volunteer of the Year and outgoing Board and Commission members.

Ms. Griffin stated that starting with Article Eight the Board needs to take a position as to whether they support the Articles. She noted that there may be a couple of petitioned articles coming as well.

Vice Chairman Rassias asked if the wording had been checked. Ms. Griffin stated that this will be checked by the Department of Revenue Administration (DRA).

**ARTICLE EIGHT:** To see if the Town will vote to raise and appropriate \$15,203 for deposit into the Land and Capital Improvements Fund, and to authorize funding of this amount by transfer from the Land Use Change Tax Reserve, with no funds being raised by taxation. The amount appropriated is the equivalent of 50% of the total collected in the Land Use Change Tax Reserve in the fiscal year 2011-2012. Funding deposited into the Land and Capital Improvements Fund derives from 50% of the land use change tax proceeds, paid by property owners when they take land out of current use.

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**Selectman Geraghty MOVED to Approve Warrant Article Eight. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE EIGHT.**

ARTICLE NINE: To see if the Town will vote to raise and appropriate \$15,203 for deposit into the Conservation Fund created as authorized by RSA 36-A:5.1, and to authorize funding of this amount by transfer from the Land Use Change Tax Reserve, with no funds being raised by taxation. The amount appropriated is the equivalent of 50% of the total collected in the Land Use Change Tax Reserve in the fiscal year 2011-2012. Funding deposited into the Conservation Fund derives from 50% of the land use change tax proceeds, paid by property owners when they take land out of current use.

**Selectman Carter MOVED to Approve Warrant Article Nine. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE NINE.**

ARTICLE TEN: To see if the Town will vote to raise and appropriate \$33,925 for deposit into the Municipal Transportation Improvement Fund, and to authorize funding of this amount by transfer from the Transportation Improvement Fee Reserve, with no funds being raised by taxation. This amount is equivalent to the total Transportation Fee surcharge for each motor vehicle registered in the Town of Hanover (\$5.00 per vehicle) during fiscal year 2011-2012.

**Vice Chairman Rassias MOVED to Approve Warrant Article Ten. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE TEN.**

ARTICLE ELEVEN: To see if the Town will vote to raise and appropriate \$21,900 for substantial funding of mid-block pedestrian crossing signage and/or lighting, and to fund this appropriation by authorizing the withdrawal of this sum from the Municipal Transportation Improvement Fund. This will be a non-lapsing appropriation per RSA 32:7, VA and will not lapse until these improvements are complete or June 30, 2018, whichever is sooner.

**Vice Chairman Rassias MOVED to Approve Warrant Article Eleven. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE ELEVEN.**

ARTICLE TWELVE: To see if the Town will vote to raise and appropriate \$875,800 and authorize payment into existing capital reserve funds in the following amounts for the purposes for which such funds were established:

Ambulance Equipment Capital Reserve Fund	\$51,000
Bridge Replacement and Renovation Capital Reserve Fund	\$54,500
Building Maintenance and Improvement Capital Reserve Fund	\$50,000
Dispatch Equipment and Dispatch Center Enhancements Capital Reserve Fund	\$25,000
Fire Department Vehicle and Equipment Capital Reserve Fund	\$56,000
Highway Construction and Maintenance Equipment Capital Reserve Fund	\$270,000
Parking Operations Vehicles & Parking Facility Improvements Capital Reserve Fund	\$65,000
Police Vehicles and Equipment Capital Reserve Fund	\$67,000
Road Construction and Improvements Capital Reserve Fund	\$41,000
Sewer Equipment and Facilities Improvements Capital Reserve Fund	\$130,000
Town Revaluation Capital Reserve Fund	\$10,000
Water Treatment and Distribution Equipment and System Capital Reserve Fund	\$56,300

**Selectman Geraghty MOVED to Approve Article Twelve. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE TWELVE.**

ARTICLE THIRTEEN: To see if the Town will vote to raise and appropriate \$1,563,003 for the purposes listed below, and to authorize funding these amounts by withdrawal from the listed capital reserve funds in the following amounts:

Ambulance Equipment Capital Reserve Fund	\$75,000
<i>Defibrillators</i>	
Bridge Replacement and Renovation Capital Reserve Fund	
<i>Hanover Center Road bridge temporary repairs and additional work on Ruddsboro Road bridge repair 300' west of Chandler Road</i>	\$37,200
Building Maintenance and Improvement Capital Reserve Fund	
<i>Town Hall doorway and elevator repairs, RW Black Community Center carpet replacement, Police Department replacement of roof and air handling units</i>	\$165,785
Fire Department Vehicle and Equipment Capital Reserve Fund	
<i>Replacement of Engine 3 at the Etna Fire Station and the department pick-up truck</i>	\$354,100
Highway Construction and Maintenance Equipment Capital Reserve Fund	
<i>Replace three Highway maintenance trucks</i>	\$206,150
Parking Vehicles and Facilities Improvements Capital Reserve Fund	
<i>Sweeper for the Parking Garage, Parking system meter replacements and technology upgrades</i>	\$340,322

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Road Construction and Improvements Capital Reserve Fund	
<i>Replace traffic signal at Summer and Park Streets</i>	\$128,800
Sewer Equipment and Facilities Improvements Capital Reserve Fund	
<i>Vehicle replacement, mower/bagger, building HVAC and other improvements</i>	\$176,646
Town Revaluation Capital Reserve Fund	
<i>Contracted labor for Town-wide property revaluation program</i>	\$10,000
Water Utility Fund Capital Reserve Fund	
<i>Dump-truck with trailer</i>	\$69,000

This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until these specified purchases are complete or June 30, 2018, whichever is sooner.

**Vice Chairman Rassias MOVED to Approve Article Thirteen. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE THIRTEEN.**

ARTICLE FOURTEEN: To see if the Town will vote to raise and appropriate \$21,586,052 to pay the operating expenses of the Town for the 2013-2014 fiscal year, for the purposes set forth in the Town budget. This sum does not include the funds voted in any of the preceding or succeeding articles.

**Selectman Carter MOVED to Approve Article Fourteen. Vice Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE FOURTEEN.**

ARTICLE FIFTEEN: To see if the Town will vote to authorize the Board of Selectmen to accept a gift from Crystal Farr of 21.9 acres of land, Tax Map 1, Lot 15, located on Greensboro Road with the understanding that the Town agrees to the name, David Parr Memorial Field, in honor of David, and the Town agrees to commemorate David with a stone installation to be located prominently on the property identifying the David Parr Memorial Field.

Ms. Griffin explained that there is a tentative agreement and the land is undevelopable but it requires Town Meeting approval to accept the gift. Selectman Carter asked whether this land could be used for a playing field and Ms. Griffin confirmed that it currently has a playing field but it is in the floodplain so it has limited use.

**Selectman Geraghty MOVED to Approve Article Fifteen. Vice Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE FIFTEEN.**

Chairman Christie closed the public hearing.

**3. PUBLIC INPUT AND DISCUSSION REGARDING THE REQUESTED PARTITION OF THE PASTURE ROAD PROPERTY JOINTLY OWNED BY THE TOWN OF HANOVER AND DANA AND JOHN ROBES.**

Chairman Christie gave some background regarding the property being discussed. Chairman Christie stated that the Town of Hanover and John and Dana Robes jointly own 130 acres of incredible land on Mouse Mountain. The Town's deed restricts any development; John and Dana Robes' deed does not. The Robes brothers would like to build a seasonal home on the property and they first approached the Town to develop the class six Pasture Road, but later withdrew that request as premature until we knew what part of the land they would eventually own. The Robes brothers then filed a Petition to Partition with the Probate Court.

Chairman Christie reported that the court has given the two parties until May 15th to determine a mutually acceptable partitioning of the land. If they are unable to do this, the court will initiate an extended trial and make the decision for them.

Chairman Christie further stated that the Town, through The Hanover Conservation Commission, initiated a Natural Resource Inventory of the property which was done by Watershed to Wildlife, Inc and presented at our meeting on January 28<sup>th</sup>. As the Town prepares its response to the petition, we specifically asked the Hanover Conservation Commission, the Hanover Conservancy, the Natural Resource Inventory consultants, and abutters to provide the Board with recommendations regarding the actual location of a potential partition line that would best serve the Town's interests.

Chairman Christie stated that one goal for the meeting was to receive feedback for the best way to partition the land. He noted that a Petition to Intervene has been filed by two abutters. He noted that it was his impression that most of the people present would much prefer that the Robes not develop the land and instead sell their interest to the town and that some have argued that the Town should make the case to the Probate Court for the court to order such a sale.

Chairman Christie stated that a second goal for the meeting was to hear from individuals who would advocate for that action. He asked to hear from the following interests: The Hanover Conservation Commission; The Hanover Conservancy; the natural resources consultants; abutters and then any other interested parties.

Hanover Conservation Commission

Ed Chamberlain, Chair of the Hanover Conservation Commission, reported that the Commission sent the Select Board a memo about this issue on Friday, March 29<sup>th</sup>. He noted that there were four (4) public meetings in which they tried to come up with a statement and recommendations for the Board. Mr. Chamberlain stated that the Commission went as far as looking at areas where the property could be subdivided; they looked at potential house sites and in the end they decided not to do it so they do not have any recommendations for the Board. He stated that they did come up with a last resort recommendation as to what the property line boundary might be.

Mr. Chamberlain read a memorandum that the Commission submitted to the Select Board on March 29<sup>th</sup>:

“The Ernest and Mildred Dana Natural Preserve was given to the Town in 1991. The deed restricted uses of the property to conservation, forestry and recreation. The Hanover Conservation Commission, as directed by the deed, has been committed to active stewardship of the land, its natural and scenic resources, and recreational assets. Many Hanover residents and other volunteers have assisted in this effort. The Town engaged a consultant, Watershed to Wildlife, Inc., to study and enumerate the natural and scenic resources of the property. To the best of our knowledge the Robes brothers have not been active in management of their interest in the property until recently, when they requested the use of Pasture Road to enable building a house and driveway. Such a development would disturb the exceptional natural, scenic and recreational resources of this property.

Primary recommendation: The Conservation Commission recommends that the Board of Selectmen enter into negotiations to purchase the Robes’ interest in the property, and that the Town place a conservation easement on the entire parcel. This would honor the wishes of the donor and secure the preservation of a significant natural area connected to adjacent conservation lands.

Division of the property: The Town Manager has asked the Commission to recommend a potential subdivision of the property. The Commission is reluctant to do so as this role is inconsistent with its mission and authority under State Law. If the Select Board is ordered by the Probate Court to negotiate a subdivision, the Commission would advise that the Town retain rights to all lands south of Pasture Road and to the entire Mill Pond with an appropriate buffer. The Robes portion would comprise lands northeast of the pond and north of Pasture Road. Rights and uses, including the public right to traverse the Moose Mountain ridge and around the mill pond, should be mutually agreed upon via appropriate conservation restrictions and trail agreements.”

Mr. Chamberlain stated that the recommendation is that if the Select Board is ordered to negotiate a subdivision (although they are uncertain about this through information they have received) they would advise that the Town retain rights of all land south of Pasture Road and also to the entire Mill Pond with an appropriate buffer around it.

Ms. Griffin displayed a map on the Smart Board which depicted a division mid-way through the property which was recommended by Watershed to Wildlife, Inc. The Conservation Commission suggests a division that is a little bit different but involves the same half of the property.

Mr. Chamberlain noted that the Robes property would consist of land northeast of the pond and north of Pasture Road; rights and uses including the public right to traverse the Moose Mountain Ridge and around the Mill Pond should be mutually agreed upon via appropriate conservation restrictions and trail agreements for both parties. Mr. Chamberlain stated that the Commission did have a four (4) page document that they chose not to submit to the Select Board.

#### Hanover Conservancy

Kristine McDevitt, Chair of the Hanover Conservancy Lands Committee, and Nancy Collier, President of the Hanover Conservancy Lands Committee introduced themselves to the Board.

Ms. McDevitt stated that the Conservancy submitted a letter to the Board of Selectmen on March 25<sup>th</sup> that she wanted to read into the record:

“Dear Members of the Select Board:

The Hanover Conservancy appreciates the opportunity to provide counsel in how to address the Dana Pasture Natural Area given that the Town owns a 50% undivided share with strong conservation restrictions, and the Robes brothers own a similar share with no such restrictions. We reiterate our strong preference for the Town to purchase the Robes’ interest, and we are committed to assisting with fundraising efforts toward such a solution.

Because of the high quality of unfragmented wildlife habitat present on the parcel, difficulty of access, and ownership of surrounding land, we believe it is not possible to identify a biologically acceptable partition of this parcel that would allow construction of a dwelling and driveway on the property.

The Natural Resources Inventory conducted by Watershed to Wildlife, Inc. at the request of the Town, identified four key conservation priorities:

1. The Mill Pond and its surrounding buffer – headwaters of Mink Brook, significant historic sites, active beaver habitat, and a Mecca for wildlife from surrounding lands.
2. Permanent openings on the southwest side – focus of wildlife use for the diversity these provide in a large block of otherwise densely forested habitat.
3. Vernal pools and wetlands.
4. Dense softwood stands – wintering yards for deer and other wildlife, especially important near the permanent openings.

The biologists’ report was also clear that “the ecological value of this property goes beyond the boundaries to the larger Moose Mountain region.” As pointed out in the public meeting, this

region scores as Tier 1 wildlife habitat, the highest quality in the State of New Hampshire, warranting the greatest care in planning for the future. We note this habitat is associated with the highest elevation in Hanover and thus should be considered as valuable refuge in the context of habitat shifts that accompany climate change. The parcel abuts permanently conserved private land to the south and the federally protected Appalachian Trail corridor, a parcel owned by NH Fish and Game Department, and another owned by the Town to the north. Among other abutters are private lands with trails where the public has also been welcome.

If the parcel must be divided (presumably by court order), then we suggest the Robes brothers be ceded the portion that is of lesser ecological value. Again, the entire parcel is ecologically valuable, so identifying an appropriate portion is a nearly impossible task. However, the least critical habitat is in the northeastern quadrant that is east of Mill Pond. The vernal pools and wetlands in this area should be protected from disturbance with a minimum 250-foot buffer. We suggest that as a stipulation of approval, the building site be limited to a small percentage of the ceded parcel, in the 2-3 acre range, with the remainder of the entire parcel being placed under the permanent protection of a conservation easement. Building height and siting should be controlled to avoid creating a structure visible from Mill Pond or its dam. Existing trails are present in this quadrant; if these trails need to be relocated, we would expect the Robes brothers to bear this expense. We urge the Town to permit only a seasonal-use structure. We also expect the Agreement would offer the Town the right of first refusal to purchase the property from the Robes brothers post-Agreement.

Even gaining access to the property is fraught with problems, and this impediment alone augurs for instruction to the Robes brothers to sell their interest to the Town. The property is essentially land-locked, and abutters are unwilling to grant access across their land to the property. The route of Pasture Road, the former public road into the property, cannot be located except for its junction with Moose Mountain Road, where it appears to cross the part of the property determined to be of paramount ecological importance.

We observe that throughout the property, the NRI biologists discovered ledge, shallow water tables, wetlands, and other soil conditions that are unsuitable for development. It may not be possible to identify a buildable area on this property. Indeed, the Town is not obligated to provide the Robes brothers with a suitable building lot. The Town is, however, obligated to observe the donor's conservation restrictions. By protecting the identified highest priority areas for conservation, the Town will at least fulfill this duty on a portion of the original parcel.

In our effort to help keep townspeople informed, we have created a dedicated page of our website to the Dana Pasture Natural Area, where we have posted the Natural Resource Inventory and maps. We also recognize that there is no substitute for getting to know the land for which one is responsible. Therefore, we offer to assist the Town by donating \$250 of the \$500 fee for a half-day tour of the property for members of the Select Board and the Conservation Commission led by the Watershed to Wildlife biologists. The tour would ideally take place in late April when the vernal pools are active and the full conservation value of the land can be experienced. We stand ready to support the Town in finding a responsible solution to this distressing situation.”



Chairman Christie asked for clarification about the priorities in the event of a subdivision. Ms. McDevitt stated that their primary concerns were the trails and the Mill Pond but she noted that access to any portion is a significant issue. Ms. McDevitt stated that to find a way to not cross sensitive areas will be difficult and there is no certainty about where the former Pasture Road existed other than it is located under the beaver dam. Ms. Collier stated that they have handed out a map in the hope to point out the conservation lands as this is a substantially restricted area. Ms. McDevitt noted that there were fresh bobcat tracks found up there last Friday and reiterated that they view this as an important area to preserve.

Mr. Chamberlain stated that it is not certain that the Pasture Road went under the Beaver Dam; there were three (3) possible routes that have been suggested or were found in the past. If the decision is based on the location of that road, this needs to be decided.

Chairman Christie noted that the Board received recommendations from the Consultants. They would recommend that the land not be divided. Ms. Griffin noted a red dotted line mapped down the center of the property. The recommendation would be to split the land and the Robes' would receive the east side and the Town would receive the west.

Laura Beliveau, Attorney with Stebbins Bradley, introduced herself and stated that she represents Jim and Carol Baum and she had a letter to read into the record:

“Jim and Carol Baum, owners of 250 acres on Moose Mountain in Hanover, New Hampshire wish to bring the following to the attention of the Town Selectmen. As abutters to the property in question, we have economic interest in the future use of the Moose Mountain property jointly owned by the Town of Hanover and the Robes family.

We purchased the Moose Mountain property, now known as the Baum Conservation Area, at the request of the Town in order to place conservation restrictions on the property, because it was “important” to the protection of Moose Mountain as a whole. The argument was made by the Town that by our conserving the property, installing a parking lot, and planning and constructing a trail system would allow for additional public use of Moose Mountain. At no time was there discussion about private development being allowed on the land owned by the Town.

The petition before the Probate Court to divide the land for the sole purpose of building a single family home on the jointly owned property violates the spirit of the original gift to the Town and of the representation to us that the property was to be “Protected Lands open to the Public.” Our investment in the land, its development, and annual maintenance would be compromised by the Robes proposal. We are prepared to make this argument in the court system if necessary.

Since the public meeting held by the Town of Hanover in September of 2012, it is our understanding that efforts have been made to offer compromise solutions to the Robes and to the Town. There has been little or no dialogue on these efforts, nor much transparency with the Town's approach.

However, the Hanover Conservation Commission did initiate a study called “Natural Resource Inventory and Evaluation for the Dana Pasture Natural Area.” If there was any doubt as to the value of preserving the property in question, this study put any arguments to rest. The strong recommendations to protect such areas as the Mill Pond, wetlands, vernal pools, open pasture areas, and scenic resources are remarkable.

During the last five months, we have been in contact with many concerned Hanover citizens in addition to environmental and land development lawyers. It would be an understatement to say that this is a legal nightmare. However, I believe it is becoming clear to many that the only way to proceed with the Robes request is to ask the Court to order the Robes half to be sold to the Town. The original request to divide the property in an equitable manner may be impossible. Even assuming this is possible; the issues of wetlands, environmental damage, the lack of access, in addition to zoning and building code would leave all parties into years of litigation.

Although the Robes have legitimate property rights and should be compensated, we believe in this case, the public interest trumps any right to develop this Moose Mountain property.”

Bill Baschnagel, Etna resident, noted that he sent a letter to the Select Board previously. He is advocating for the Town to argue before the Court that the best solution would be for the Town to purchase the Robes’ interest in the property. Ms. Griffin noted that she made sure that the Board received a copy of the Petition to Intervene which was received today.

Chairman Christie stated that the petition argues the issue as to why they should be allowed to intervene. Mr. Baschnagel stated that the petition also brings forth the issues regarding the disposition of the property. Chairman Christie clarified with Mr. Baschnagel that he feels that the petition includes a legal basis for the Town to ask that the Court direct the Robes to sell their interest to the Town. Mr. Baschnagel felt that it introduced the argument that the Court has the authority to direct such a sale. He asked why the Town didn’t support this position. Ms. Griffin noted that all of the documents would be made available on the website.

Mr. Baschnagel stated that the case as he understands it is that the Town and the Robes brothers are the only ones that can make an argument before the Court. He stated that the Town has been focused on the subdivision. His understanding is that an intervening party can make a case for a directed sale if they can show that the subdivision is not a practicable option. He has been advised by those who do understand the legal definitions that there is a good case that can be made due to the property impairments for the Robes plan to construct a seasonal dwelling. There is precedent in NH that allows the argument to be made but it would need to be made by one of the interveners; it can’t be made by someone who does not have standing in the Court. Mr. Baschnagel stated that the Shumways and the Baums have petitioned to be interveners and he would like to see the Town join that effort to help them make the argument.

Chris Crowley introduced himself as Peter and Kay Shumway’s son. He stated that he is not an attorney and is not versed in NH law. He stated that he appreciates that the Town is taking the time to have a hearing about this. His parents feel very strongly about this issue as they have

owned property there for 38 years. He feels that the opportunity to preserve this unique property is very important.

Mr. Crowley stated that the abutters have filed the petition to intervene because they feel that the approach to ask the Court to direct a sale needs to be handled formally in the Court. He stated that they would like to see the Town take a step back and support this approach as well. He indicated that his parents did not want to be in this position and it is an emotional issue for the abutters.

Kay Shumway introduced herself and noted that this winter the Conservation Commission hired Watershed to Wildlife, Inc. to conduct a survey of the land on Moose Mountain. The survey shows that this land is some of the most valuable land in the State of New Hampshire in terms of wildlife, habitat, wetlands and open spaces. They also stated that the land is fragile with shallow topsoil over bedrock and many springs, streams and vernal pools. The Mill Pond is a massive granite dam with a nearby foundation for the Miller's house and well. There are two mill sites downstream with massive stone pillars on each side of the stream. The mills were in operation in the early 1800s and this area is truly historic and should be preserved. She noted that Pasture Road has not been used since 1932.

Ms. Shumway further stated that they have owned land on Moose Mountain for 38 years and during that time they have maintained and improved trails for hunters, hikers, skiers and people on snow shoes that come to Moose Mountain year round to be outside to enjoy nature at its best. She noted that they have never posted their land. In 1986, they were fortunate to buy 313 acres north of the pond and along Moose Mountain past the Appalachian Trail. Ernest Dana's wishes in his deed to the Town seem to carry very little weight. She cautioned the Board not to set a dangerous precedent by opening up this uniquely fragile and peaceful part of Hanover to development. She stated that the land should belong to everyone in the Town, as Ernest stated in his deed when he gifted the land he loved to the Town he loved.

Barbara McIlroy introduced herself and stated that she would be speaking for her husband (Doug McIlroy) who was unable to attend the meeting. She provided the Board with a copy of Mr. McIlroy's letter and noted that she has heard many of the comments that were incorporated in the letter. She stated that he agrees with the Conservation Commission's recommendation but these comments are his own and nobody else's.

Ms. McIlroy stated that he understood from something that he had heard that the Town did suggest a buyout and was rebuffed. The Robes brothers subsequently filed a plea with the Probate Court and the Court has directed the parties to try to negotiate a settlement.

Ms. McIlroy read from Doug McIlroy's letter dated March 31, 2013:

"It seems that the Board has accepted the primary premise of the plaintiff's initial negotiating position to settle by subdividing. Shouldn't the Town instead begin from a position that is in its own best interest? At the very least, the Board owes the public a convincing explanation for why it chooses not to.

Perhaps the Board hopes to control risk by seeking to get the least worst outcome, rather than striving for the best. Unfortunately, the various plausible outcomes by subdivision are very bad. While there are significant qualitative differences among the options, the severity of overall damage varies only marginally across the whole range of options.

In contrast, undivided ownership is so much better that it should be a no-brainer. Go for the good. Giving up at the start will lock in a big loss.

The Town should be prepared with criteria that subdivision and deed arrangements should meet but that is not the same as accepting the subdivision as inevitable.

Unless the plaintiffs will accept fair value, or unexpectedly discover a benign solution that insulates important features of the property from both house and access road, the Court may have to decide. In that event the Town has a strong argument to make based in the public interest. The property has been enjoyed, maintained and cherished by the public for some 20 years, while as far as I know, the co-owners have barely set foot on it. The property is a diverse natural gem. Where else can one see beavers and mountaintop views within minutes of each other? The property is also the access hub for the whole south ridge of Moose Mountain.

The deed of gift morally obligates the Town to protect in perpetuity the natural and recreational qualities of the whole property, not just part of it. Our co-owners do not share that obligation and there's an obvious way to resolve the contradiction. Please heed Ernest Dana's wishes and work for the integrity of property."

Ben Steele, Etna resident, stated that he is an ecologist by profession and that he is impressed with the work that has been done on the Natural Resource Value list. He stated that the maps make it very clear that the connectivity of the preserved areas run down the entire ridge from Moose Mountain toward Enfield. He stated that taking one chunk of the property would result in a loss of that connectivity. He also noted that in looking at the maps, the proposed subdivision would cut off the trail that currently runs continuously from the north peak of Moose Mountain all the way to the Town of Enfield; that would drastically decrease the recreational value in terms of existing trails.

Ed Sonk, Etna resident, stated that he has had a relationship for about 25 years through his business with the Robes family. He stated that they are an incredible family. Mr. Sonk stated that he has known Dana Robes long enough to know that his first dealing with agriculture was in College and he originally was going to come back to the area to farm; his family has been environmentally careful and conscious. He noted a situation in the 70s where the Robes approached the Town of Enfield with an idea to build a furniture making factory and the Town of Enfield had a lot of concerns about fire, safety and a nearby development. Mr. Sonk stated that the Robes worked very closely with the Town of Enfield and made the changes needed to allow the furniture factory to be built.

Mr. Sonk stated that he was painting the building about 10 years after it was constructed and he noticed the Enfield Fire Department personnel parked close by. After watching them watch the building for about 3 days, he asked the Fire Department if they were afraid that the building would burn down. He was told that the firefighters use the property as a training ground for new people because when the Robes built it, they went overboard by putting all of the natural safeguards in, not only to protect the residences around and the environment but also to protect the beaver in the pond that they had to build behind the building.

Mr. Sonk stated that the Robes family has shown that they are concerned about conservation and recreation but they are also concerned about private interests. He is certain that if the project moves forward, the Robes will go overboard to make sure the trails are maintained and pay the expense to keep Pasture Road open and have the minimum amount of impact on that space.

Brad Atwood introduced himself and stated that he represents the Robes Brothers. He stated that in listening to everyone speaking, there are a lot of common interests between the parties. The comments that Mr. Sonk made are accurate and the Robes are trying to find the common interest which will respect the Robes' right to build a seasonal dwelling but also to conserve the natural resources. He noted that Chris Rollins (Surveyor) and Jim McClammer (Connecticut Valley Environmental Services, Inc.) were both present to speak to the Board. He asked Mr. Rollins to speak about some preliminary ideas regarding the division of property.

Mr. Rollins introduced himself as a land surveyor from Plainfield NH and noted that he has been working on this project for a few years. He stated that the proposed subdivision follows the center of Pasture Road with 62 acres for the Robes and 67 acres for the Town. He noted that they have determined three (3) sites where a seasonal dwelling may be located. The least disruptive area would be nearest to the road and then the Robes plan to conserve the rest of their property.

Ms. Griffin referred to the map and stated that the difference between the two proposals is that both parties want the same side of the division. Mr. Rollins restated that placing the dwelling closest to the Road would result in the least disruption; to place it on the east half would result in a driveway thousands of feet long.

Mr. Atwood stated that currently there is a 50 acre minimum zoning requirement which accounts for the size of the lots. He noted that his clients would consider putting a conservation restriction on the bulk of the property. He noted that his clients would like to work with various interest groups and he has offered to speak to them.

Jim McClammer, Ecologist and President of Connecticut Valley Environmental Services Inc., stated that he, Dana and John Robes walked through the site at the start of this process and they gave him a history of their emotional attachment to the land. Mr. McClammer stated that the Robes are extremely environmentally conscious and Dana Robes contributes to various conservation causes. Mr. McClammer stated that the Robes' intent in hiring him was to find the best way for them to locate on the site, conserve the remainder of the property and have as little impact as possible.

Mr. McClammer stated that he has spent the last 25 years finding a way to bring projects forward by practical means which includes the environmental, economic and engineering constraints. The subdivision that they believe is the most practicable has the least impact on the resources on the site. Mr. McClammer stated that the hypothetical division of the land would give 62 acres to the Robes and 67 acres to the Town; he stated that the only access is from Moose Mountain Road and there is no practicable access to the east side of the property. There would be a significant impact to the environmental if they site a seasonal dwelling on the east side of the property.

Mr. McClammer further stated that there would be disruption of the north and south and it would fragment a very dense forest. He stated that he doesn't understand how people can ignore the land by bisecting it from north and south. He noted that on the west side, there are soils that have the depth and character that would support a leach field.

Mr. McClammer noted that there is a concept of permanent grassland and the only reason that there is grassland in that area is because it is maintained by a neighbor on a regular basis. If the area was left alone it would not be permanent grassland. He stated that Watershed to Wildlife, Inc. has identified four (4) priority areas. In the Robes proposal, they would place the entire portion of the Mill Pond and the trails into the Town's parcel. The Town would get the majority of the vernal pools, streams, wetlands and the softwood areas.

Mr. McClammer noted 10 points as to why he believes that the Robes' proposal makes the most sense:

1. Place the frontage of the Mill Pond and the hiking trail around the pond on the Town's portion.
2. Cluster the Robes home adjacent to the existing Shumway and Huggins Homes.
3. Place the proposed seasonal home in an area with suitable soils for a septic leach field.
4. Reduce the adverse effects of the home and associated human activities on native species.
5. Require the shortest length access drive, the least amount of impervious surface, the least area of tree clearing and the use of the shortest length of the Class VI Pasture Road.
6. Avoid known occurrences of rare, threatened and endangered species and exemplary natural communities.
7. Reduce the encroachment on and the fragmentation of the large block of forested habitat that is essential for deep woods species and neotropical migrants.
8. Retain the connectivity (green belt) of conservation lands on the north and south sides of the parcel for wildlife travel corridors and hiking trails.
9. Conserve the easterly portion of the parcel which is in the middle of a very large block of undisturbed forested habitat and adjacent to some of the highest ranked wildlife habitat in New Hampshire.
10. Preserve the historic and cultural resources on the property that include the cellar hole, Mill dam and rock walls.

Mr. McClammer noted the highest ranked habitat in NH and it only makes sense that the Town retain this area. He stated that the Robes proposal preserves the historic and cultural resources as

well; all of the structures would be retained and allocated on the parcel that would belong to the Town. He respectfully requests that the Town consider this a reasonable division of the land. This is the least environmentally damaging practicable alternative if the property has to be subdivided.

Ms. McDevitt stated that she respectfully disagreed with Mr. McClammer's assessment of the NRI report particularly regarding the open spaces on the west side. The four (4) key conservation priorities were the Mill Pond and its surrounding border, the permanent openings on the southwest side, the vernal pools and wetlands, and the dense softwood stands. The report specifically addresses the softwood stands as being especially important near the permanent openings. She agreed that the openings are not permanent but nothing is permanent; they have been mowed for 40 years. The biologists were quick to point out how rare it was to have the large openings at that elevation. Ms. McDevitt stated that the Hanover Conservancy would strongly object that this is the best place for any house to be built. They are against the placement of any house being constructed near those open spaces.

Elisha Huggins introduced himself and stated that he is the neighbor that mows the open spaces. He clarified that he used to mow the property but he has used cows for the past 15 years to keep the grass and shrubs down. Mr. Huggins stated that the Robes' proposal sounds nice and compact but there is a fatal flaw in their plan because they don't have access. If they are going to put houses on this beautiful land they have to have access through the Huggins and Shumways property which goes across 40 or 50 feet of their land. If they get to put houses in that area, they will tear apart two beaver ponds to do this. He wanted to point this out to the Board.

Nancy Collier stated that she hopes that the Town can get some clarification as to whether zoning applies in a case like this or whether the Court case trumps this restriction. If the Court decides that the dwelling could be year-round, that will be important.

Chairman Christie encourages additional dialogue between the interested parties.

Mr. Chamberlain stated that he has lived in Hanover for 50 years and he remembered Dana Robes when he lived on Wolfeboro Road. He noted that there have been a number of hearings and the Robes brothers have not attended any of them so he is curious as to why they are not talking about this in a neighborly way, face-to-face. So far, they have only heard from the hired experts and he felt that the Select Board should encourage the Robes brothers come face-to-face with the interested parties.

Hugh Mellert, Hanover Conservancy Board Member, noted that there was discussion about having the interested parties getting together which was brought up months ago. He didn't see that this ever happened and wondered why.

Jim Barry, Ruddsboro Road, stated that he agrees with everything that he has heard which is a terrible contradiction. This is a really tough problem and the interested parties may need to meet in a room to hash things out.

Selectman Geraghty stated that the recommendation from both sides indicate that the west side of the property is better. He doesn't think that both sides will be able to come to an agreement about that. He stated that all of the points that have been raised have been reasonable and he feels that the Select Board should review this with the Town's Attorney to determine what they should present to the Court. Selectman Geraghty stated that it is his understanding that both parties need to come to an agreement or they are going to the Court. Chairman Christie stated that they are at the Court process now and they need to come forth with an agreement.

Chairman Christie stated that the Board will review with the Town's attorneys about whether there is a basis for asking the Court to order a sale to the Town. He reiterated that there are two conflicting deeds and there is a petition to partition; the Court has given both sides until May 15<sup>th</sup> to come up with a mutually agreeable solution or the Court will need to decide. He was hoping that going through the process of asking people to prioritize might bring forward some form of consensus.

Selectman Carter asked Mr. Atwood if he had some previous conversations with the abutters. Mr. Atwood stated that he had conversation to some extent but wanted to have further discussions. He doesn't feel that there isn't a solution here and he has some ideas that would serve the interests of his clients and other interested parties so he would like everyone to sit down together. The partition process is an equitable proceeding and the Court can divide it whichever way it likes if the parties can't come up with an agreement so there is an opportunity here to come up with a creative way to take care of this property. He noted that neither side can have it all so he does wish to sit down with people in the next couple of weeks. Chairman Christie would like to explore that option and he asked Ms. Griffin to arrange a meeting between the parties.

Chairman Christie noted that he has heard one specific proposal with arguments as to why this is such a good solution; he hasn't heard as specific an argument from the other interests. It sounded like the interested parties want everything so he would like to see the interested parties meet to come closer to an agreement. If not, the Town is being put in a difficult position.

Ms. Griffin stated that with her knowledge of the probate process; the request to partition; the presumed rights of the property owners; trying to maximize the conservation protection of the largest percentage of the property and to avoid further discussion about where Pasture Road is located and the impact on the Beaver Dam; and acknowledging that the abutters have a driveway that could potentially form an access point for one additional house lot which results in no further impact to Pasture Road and would allow one more seasonal home to be built. Ms. Griffin stated that her goal is to try to advance the conservation of the land and she would ask the Robes to put the lionshare (all but 10 to 12 acres) of the entire half of the property they might receive into permanent conservation.

Ms. Griffin stated that the downside is that this impacts two homeowners and it means one more house and that is if they can get the appropriate approvals. The Town Attorney does not feel that it is likely that the Court could order the Robes to sell their property to the Town. If the Robes



were able to access the property through the driveway that is already there, then Pasture Road is no longer an issue.

Ms. Griffin stated that if she were in charge that would be what she would try to make happen. If they ask the Probate Judge to decide, the only way they can solve this is to come up with a solution. She is happy to pull parties together but there is distrust on both sides. Ms. Griffin stated that she has never met John or Dana Robes and she would love to have an opportunity to sit down with them. Chairman Christie clarified that this meeting would include the abutters so they can try to facilitate some kind of an agreement.

Elisha Huggins stated that he disagrees with Chairman Christie that there is one clear proposal. The Conservancy and the Conservation Commission made very clear proposals. The proposal is to go to the Probate Court and state that the land is undividable and therefore must be sold. Chairman Christie stated that the Town Attorney has advised the Board that this is not a viable option. Mr. Huggins stated that he does not agree with the Attorney and doesn't feel that he has the good of the Town in mind.

Mr. Atwood stated that the proposal that Ms. Griffin suggested would be supported by his clients; he would encourage a meeting to work on this.

Mr. Chamberlain stated that 15 years ago there was a parcel of land of about 115 acres along Mink Brook that is now the Mink Brook Nature Preserve and noted that this is a similar sort of argument with regard to this property. The plans were already laid out but the Town sat down and hashed out a sales agreement where they purchased the property so it is now a permanent nature preserve. It's also one of the most important natural areas in the Town and he doesn't see why they can't do that with this property as well.

Bill Baschnagel stated that if the Board proceeds down the road without at least considering a sale as being an equivalent option, they are ignoring three (3) different organizations that specialize in making assessments of this sort; that any division of this property would cause harm to the natural resources. Mr. Baschnagel stated that there is more than one option being presented but if they only pursue one option, it will do a disservice to the Town and the people that have worked hard to preserve it.

Chairman Christie stated that the Town would facilitate a meeting. He withdrew his comment about there not being another alternative. They have heard the overwhelming desire that nothing happen. The Board has been advised that the Town has no basis to ask that the Robes sell their interest to the Town. Chairman Christie stated that the Board will ask again about this option. He would like the parties to continue to try to come to some sort of resolution. If not, they will ask the Probate Court to decide their fate.

Chris Crowley stated that it was extraordinary to ask the abutters to solve the problem for the Town. He asked whether the Town will change its position and support the petition to intervene. Otherwise, why would the abutters want to be part of the process?

Chairman Christie stated that the Board will go back and visit this issue with the Town's attorney. Mr. Crowley stated that he would like to know if the Town would support the Petition to Intervene which has been filed at the abutters' expense. Chairman Christie will need to ask the Town's attorney what role the Town would have with regard to that petition.

Mr. Crowley stated that the Town was asked if they would support the Petition and the Town said no. If the Town chose to support the petition, it would strengthen the likelihood of their ability to intervene. Ms. Griffin stated that the Board has a non-public session this evening and will consult with Attorney Walter Mitchell tomorrow. Mr. Crowley noted that the Town's attorney works for the Town and the Town gets to say whether or not they choose to intervene. Ms. Griffin noted that Walter Mitchell has been a very successful attorney for the Town of Hanover for 18 years and the Town respects Attorney Mitchell's opinion and it's a give and take dialogue on all cases that they deal with. Chairman Christie thanked everyone for their input.

#### **4. RECOMMENDATION TO ADOPT ABATEMENTS AS RECOMMENDED BY THE ADVISORY BOARD OF ASSESSORS.**

Mike Ryan, Director of Assessing, was present to speak to the Board. He noted that the Board has received the Minutes of the Advisory Board of Assessors and there are five (5) appeals that were recommended by the Advisory Board of Assessors for the Select Board's approval.

Chairman Christie asked about the period of time between assessments where the market can fluctuate so arguing about the value in the middle of the process doesn't seem to be valid.

Mr. Ryan stated that although he understands that position, they look at these on an individual basis. He noted that there is one case where an appeal was filed and the other properties in the neighborhood will also be lowered in the upcoming revaluation. Chairman Christie asked why the property under appeal wouldn't be changed at the same time. Mr. Ryan explained that by State law the individual has a case that the property value is disproportionately assessed; there may be some that are over assessed and some may be under assessed but they need to deal with the problems that come forward on an individual basis.

Chairman Christie asked Mr. Ryan to explain the law. Mr. Ryan stated that if a person makes an appeal and if they can prove, within reason that the assessment is disproportionate, then it is up to the Board of Assessors or the Selectmen to take that into consideration and make a rational decision. Mr. Ryan stated that the Town can't ignore the appeal although he understands Chairman Christie's position. Chairman Christie was hoping that there is something about the property itself that puts it back to the beginning of the process and not just a reaction to the fluctuation in the market.

Ms. Griffin stated that the role of the appeal process is to make sure that residents are given an opportunity to come forward when the value may be out of line by more than an average swing during any revaluation cycle. The Board of Assessors hear a lot of appeals (approximately 12 to 36 appeals per year) and based on the data provided, they don't necessarily agree with every appeal.

Selectman Carter asked about the cases that are being brought forward and asked how many of the appeals the Board is seeing out of that number. Ms. Griffin noted that the Select Board sees every case and that in this particular group, there were no recommendations to deny.

**Vice Chairman Rassias MOVED to Accept the Abatements as Recommended by the Advisory Board of Assessors. Selectman Geraghty SECONDED the Motion.**

Selectman Carter had a question about the 105 Lyme Road property regarding the market value of vacant land but there is a new house and driveway being built. Ms. Griffin stated that this is a timing issue. Mr. Ryan explained that on April 1, 2012 the property was in disrepair and it was purchased and torn down so it was considered vacant land ready for improvement. Mr. Ryan stated that the property is reevaluated April 1, 2013 and at this point there is a shell of the house placed there so it is 60% complete and then on April 1, 2014 they will get the full value.

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ACCEPT THE ABATEMENTS AS RECOMMENDED BY THE ADVISORY BOARD OF ASSESSORS.**

**5. RECOMMENDATION TO ADOPT ABATEMENT OF VETERANS TAX CREDIT.**

Mr. Ryan stated that the Veterans Tax Credit application was received after the MS-1 was submitted to the Department of Revenue Administration for tax rate setting. In order to receive the credit, the amount of \$500 must be abated and refunded to the individual.

**Selectman Geraghty MOVED to Adopt Abatement of the Veterans Tax Credit as Recommended. Vice Chairman Rassias SECONDED The Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADOPT ABATEMENT OF THE VETERANS TAX CREDIT AS RECOMMENDED.**

**6. RECOMMENDATION TO SET PUBLIC HEARING FOR MONDAY, APRIL 22<sup>ND</sup> TO CONSIDER THE RECOMMENDED HOUSING FUND BUDGET FOR FY 2013-14.**

Ms. Griffin stated that the Board of Selectmen turns into the Hanover Housing Authority once a year to approve the Housing Fund Budget so the Board needs to set a public hearing.

**Selectman Geraghty MOVED to Set a Public Hearing for Monday, April 22<sup>nd</sup> to Consider the Recommended Housing Fund Budget for FY 2013-2014. Vice Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO SET A PUBLIC HEARING FOR MONDAY, APRIL 22<sup>ND</sup> TO CONSIDER THE RECOMMENDED HOUSING FUND BUDGET FOR FY 2013-2014.**

**7. ACCEPTANCE OF DONATIONS:**

Ms. Griffin reported that the Town received an upright Steinway piano for the R.W. Black Center and a \$50.00 check to the Fire Department for hosting a birthday party.

**Selectman Geraghty MOVED to Accept the Donations. Selectman Carter SECONDED the Motion.**

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

**8. APPROVAL OF MINUTES:**

- March 18, 2013

**Vice Chairman Rassias MOVED To Approve the Minutes of March 18, 2013. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 3 IN FAVOR, 0 OPPOSED, 1 ABSTAINED TO APPROVE THE MINUTES OF MARCH 18, 2013. (Chairman Christie abstained from the vote.)**

**9. BANNER REQUEST:**

- Upper Valley Serves 5/10K

Ms. Griffin stated that the Banner Request was just submitted and the Town can accommodate the request.

**Vice Chairman Rassias MOVED to Approve the Banner Request for Upper Valley Serves 5/10K. Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE THE BANNER REQUEST FOR UPPER VALLEY SERVES 5/10K.**

**10. ADMINISTRATIVE REPORTS.**

Ms. Griffin reported that she is working on the transmittal letters for the Board of Selectman and the Town Manager in addition to the background information for the Town Report. This should be sent to the Board on Wednesday. She stated that the Town Report will go to the printer next Friday; they have to wait for the petitioned warrant articles and Pre-Town Meeting.

Ms. Griffin asked if the Board would like the Legislative Representatives to come to a meeting in April or May. Selectman Geraghty stated that if the representatives felt that it would be beneficial that would be fine but if it's just to make an appearance, it's not necessary.

Ms. Griffin reported that the House of Representatives are voting on the Governor's budget this week before it goes to the Senate and there could be a fair amount of financial impacts possible but mostly for the good for municipalities depending on how the budget plays out. The assumption is that there will be a Committee of Conference for the Casino proposal this summer.

Ms. Griffin stated that she is in regular contact with the Representatives as bills come across. This weekend there was a bill the Town supported to allow absentee ballots to be processed starting at 9:00 a.m. on Election Day instead of 1:00 p.m.

## **11. SELECTMEN'S REPORTS.**

### **Bill Geraghty**

Selectman Geraghty had nothing to report.

### **Athos Rassias**

Vice Chairman Rassias reported that the Conservation Commission has been busy working on the recommendations that were presented regarding the Pasture Road property tonight.

Vice Chairman Rassias reported that the Hanover Bike & Pedestrian Committee had a recent walkthrough of the Verona neighborhood with the goal of looking at how the proposed sidewalk would work in conjunction with any Valley Way extension plans and the Safe Routes to School plan. He noted that there is a Hanover Bike & Pedestrian blog that is up and running as well.

### **Peter Christie**

Chairman Christie had nothing new to report.

### **Nancy Carter**

Selectman Carter reported that the Howe Library Board met on March 28<sup>th</sup>. The Howel Classic took place last weekend and was very successful with over 400 people attending and raised \$34,600 which was an increase over last year where they raised \$28,000. She noted that there were a lot of corporate contributions but there were also a lot of people participating. Selectman Carter stated that library staff mentioned that this was a good way to bring people into the library that may not have had a connection before.

## **12. OTHER BUSINESS.**

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

Board of Selectmen  
April 1, 2013

**SELECTMAN CARTER VOTED YES; CHAIRMAN CHRISTIE VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; AND SELECTMAN GERAGHTY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:50 P.M.**

**Selectman Geraghty MOVED to Exit the Non-Public Session. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO EXIT THE NON-PUBLIC SESSION.**

**Selectman Geraghty MOVED to Eliminate the Police Lieutenant Parking Position from the List of Certified Police Positions for the Town of Hanover for Purposes of Inclusion of the Position in the New Hampshire Retirement System, as Required by the New Hampshire Retirement System.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ELIMINATE THE POLICE LIEUTENANT PARKING POSITION FROM THE LIST OF CERTIFIED POLICE POSITIONS FOR THE TOWN OF HANOVER FOR PURPOSES OF INCLUSION OF THE POSITION IN THE NEW HAMPSHIRE RETIREMENT SYSTEM, AS REQUIRED BY THE NEW HAMPSHIRE RETIREMENT SYSTEM.**

### **13. ADJOURNMENT.**

**Selectman Geraghty MOVED to Adjourn the Meeting. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADJOURN THE MEETING AT 10:46 P.M.**

Respectfully Submitted,

Nancy A. Carter, Secretary

Minutes prepared by Elizabeth S. Rathburn.

**SUMMARY**

1. **Selectman Geraghty MOVED to Approve Warrant Article Eight. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE EIGHT.**

2. **Selectman Carter MOVED to Approve Warrant Article Nine. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE NINE.**

3. **Vice Chairman Rassias MOVED to Approve Warrant Article Ten. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE TEN.**

4. **Vice Chairman Rassias MOVED to Approve Warrant Article Eleven. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE WARRANT ARTICLE ELEVEN.**

5. **Selectman Geraghty MOVED to Approve Article Twelve. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE TWELVE.**

6. **Vice Chairman Rassias MOVED to Approve Article Thirteen. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE THIRTEEN.**

7. **Selectman Carter MOVED to Approve Article Fourteen. Vice Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE FOURTEEN.**

8. **Selectman Geraghty MOVED to Approve Article Fifteen. Vice Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE ARTICLE FIFTEEN.**

9. **Vice Chairman Rassias MOVED to Accept the Abatements as Recommended by the Advisory Board of Assessors. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ACCEPT THE ABATEMENTS AS RECOMMENDED BY THE ADVISORY BOARD OF ASSESSORS.**

10. **Selectman Geraghty MOVED to Adopt Abatement of the Veterans Tax Credit as Recommended. Vice Chairman Rassias SECONDED The Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADOPT ABATEMENT OF THE VETERANS TAX CREDIT AS RECOMMENDED.**

11. **Selectman Geraghty MOVED to Set a Public Hearing for Monday, April 22<sup>nd</sup> to Consider the Recommended Housing Fund Budget for FY 2013-2014. Vice Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO SET A PUBLIC HEARING FOR MONDAY, APRIL 22<sup>ND</sup> TO CONSIDER THE RECOMMENDED HOUSING FUND BUDGET FOR FY 2013-2014.**

12. **Selectman Geraghty MOVED to Accept the Donations. Selectman Carter SECONDED the Motion.**

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

13. **Vice Chairman Rassias MOVED To Approve the Minutes of March 18, 2013. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED 3 IN FAVOR, 0 OPPOSED, 1 ABSTAINED TO APPROVE THE MINUTES OF MARCH 18, 2013. (Chairman Christie abstained from the vote.)**

14. **Vice Chairman Rassias MOVED to Approve the Banner Request for Upper Valley Serves 5/10K. Chairman Rassias SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE THE BANNER REQUEST FOR UPPER VALLEY SERVES 5/10K.**



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

**SELECTMAN CARTER VOTED YES; CHAIRMAN CHRISTIE VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; AND SELECTMAN GERAGHTY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:50 P.M.**

16. **Selectman Geraghty MOVED to Exit the Non-Public Session. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO EXIT THE NON-PUBLIC SESSION.**

17. **Selectman Geraghty MOVED to Eliminate the Police Lieutenant Parking Position from the List of Certified Police Positions for the Town of Hanover for Purposes of Inclusion of the Position in the New Hampshire Retirement System, as Required by the New Hampshire Retirement System.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ELIMINATE THE POLICE LIEUTENANT PARKING POSITION FROM THE LIST OF CERTIFIED POLICE POSITIONS FOR THE TOWN OF HANOVER FOR PURPOSES OF INCLUSION OF THE POSITION IN THE NEW HAMPSHIRE RETIREMENT SYSTEM, AS REQUIRED BY THE NEW HAMPSHIRE RETIREMENT SYSTEM.**

18. **Selectman Geraghty MOVED to Adjourn the Meeting. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADJOURN THE MEETING AT 10:46 P.M.**