

NEW DURHAM BOARD OF SELECTMEN
New Durham Fire Department Community Room
February 2, 2015, 1:00 p.m.

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

Present:

Chair David Swenson
Selectman David Bickford
Selectman Theresa Jarvis

Also Present:

Jeremy Bourgeois, Town Administrator
Corky Mork, Videographer
Shawn Bernier, Police Chief
Cecil Chase, Town Moderator
Carole Ingham, Town Clerk/Tax Collector
Kevin MacCaffrie, Interim Fire Chief
Cheryl Favreau, Aflac Representative
Greg Anthes, Resident

Call to Order

Chair Swenson called the meeting to order at 1:00p.m.

Chair Swenson stated the Town Moderator postponed the Deliberative Session scheduled for tonight to Wednesday, February 4, 2015 at the school.

Chair Swenson stated this is the first Deliberative Session with the Town having moved to SB2 in 2014. He stated the Board of Selectmen has received the Moderator Rules for review from Moderator Chase.

Appointments/Announcements

Warrant Article Review

Cecil Chase, Moderator, stated that after attending a moderator workshop she thinks the process should be a nice change and hopefully there will be some good discussions.

Chair Swenson explained it is similar to a town meeting with the significant difference being there are no final decisions made on the budget at the Deliberative Session. Ms. Chase stated it would be less formal than Town Meeting. She will not be reading the details of each article but she will be introducing who is designated to talk about the article. That will be no more than a ten-minute presentation followed by conversation. Ms. Chase stated that if there are no amendments, then they will just move on to the next article. There is no vote to move the article to the ballot. She stated every article

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presented at the Deliberative Session would automatically be placed on the ballot. Should there be an amendment, that would be voted on.

Selectman Bickford clarified there has to be a motion on an amendment but not on the article.

Ms. Chase explained that by moving to SB2, everything that is presented as an article automatically goes on the ballot.

Ms. Chase stated she wants to review the articles to know who will be speaking on each. She also suggested moving the budget article to the end of the meeting. Ms. Chase explained if they vote on the budget and later on there is a monetary article that will have an impact on the operating budget, it will cause a problem because the budget would have already been covered. She stated her goal is to set a pattern going forward so they aren't continually changing the process.

Selectman Bickford stated because they are a budget committee town, if they go over by 10%, the end of the warrant is shaved off. Selectman Jarvis stated her concern was that if additional money were added before getting to the operating budget, then the budget would be cut because of the previous votes on the articles. She stated they have never gone over the 10% but she knows of situations where it has occurred. Chair Swenson clarified the 10% is of the operating budget only.

Chair Swenson noted he would be unavailable for the meeting Wednesday. Ms. Chase stated Chair Swenson's PowerPoint presentation last year was valuable to start the meeting and stated she would appreciate if he could call in for the meeting. Chair Swenson stated he has given his PowerPoint presentation to Town Administrator Bourgeois to make available and he will try to be available via telephone.

The details of each article were reviewed and discussed.

Article 1- Voting of elected officials.

Article 2 – Zoning Changes: Ms. Chase asked if they want to allow questions to be asked on this article as some towns allow questions on zoning articles. She suggested moving this and the Planning Board articles to the end as they are informational only.

Article 4 – Road Surface Management System: Road Agent Clarke will present the article. In the event he is unavailable due to weather, Selectman Bickford will do so.

Article 5 – Establish Fire Department Ancillary Equipment Non-Vehicle Fund: Selectman Jarvis suggested that usually department heads will speak but the Fire Chief is not a Town resident. Ms. Chase stated some towns vote to allow non-residents speak. Interim Fire Chief MacCaffrie replied he plans to be there. It was agreed that Interim Fire

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Chief MacCaffrie will present the article. In the event he is unable, Selectman Jarvis will do so.

Article 6 – Discontinue a Current Capital Reserve Fund- Satellite Fire Station: It was agreed that Interim Fire Chief MacCaffrie will present the article. In the event he is unable, Selectman Jarvis will do so.

Article 7 – Discontinue a Current Capital Reserve Fund- Construction and Expansion of Highway Garage: Selectman Bickford will present the article.

Article 8 – Discontinue the Fuel Pump Capital Reserve Fund: Road Agent Clarke will present the article. In the event he is unavailable due to weather, Selectman Bickford will do so.

Article 9 – Listing of Capital Reserve Funds to Fund: Selectman Jarvis will present the article.

Article 10 – Expendable Trust Fund for \$8,000: Selectman Jarvis will present the article.

Article 11- Use of Shirley Forest Trust Funds: Selectman Jarvis will present the article.

Article 12- Conservation Commission: Ron Gehl, Chair of Conservation Commission will present the article, if available.

Article 3 – Operating Budget: Dave Curry will present the article, if available.

Chair Swenson stated it is his understanding that during the discussion on the operating budget article, residents have an opportunity to go through the details of each account. Ms. Chase stated anything related to the operating budget is open to discussion. The only action can be on the total, not a single line item. The opportunity to do so was at the budget committee meetings. Selectman Bickford noted that voters can motion to zero out a line and the Board of Selectmen cannot change it. Ms. Chase stated they will need to confirm with the Town Attorney, but the Board of Selectmen still have the authority to redistribute funds within the budget. It was noted there has to be at least \$1 in the subaccount for them to do so.

Ms. Chase stated she has talked with other moderators about what to expect. What typically happens is there are less people that attend the deliberative session than have attended a town meeting in the past, which is unfortunate because it gives a smaller group of people the power to craft town business. Chair Swenson stated voters still have a chance to vote on the final articles in March. Selectman Bickford stated there is a new law that states the Planning Board article does not need to be on the ballot.

Carole Ingham, Town Clerk/Tax Collector, noted she cannot have the ballots printed until after the final deliberative session. She stated town clerks typically try to get the ballots

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out at least 30 days before the election and wants everyone to be aware that she will be trying to get them out as soon as she can.

It was noted that if changes are made during the deliberative sessions, both the Budget Committee and Board of Selectmen have to meet again to review and give their recommendations on the articles.

Fire Chief - Comstar Rates

A letter from Comstar was distributed and reviewed. Town Administrator Bourgeois explained that every year Comstar asks the Board of Selectmen to review the rates. He asked Interim Fire Chief MacCaffrie to review and make recommendations. Interim Fire Chief MacCaffrie stated he did a quick survey from local towns and gave a brief summary of the ambulance rates. He explained the rates and fees outlined.

Selectman Jarvis asked Interim Fire Chief MacCaffrie if he asked about the reimbursement rates towns have. Interim Fire Chief MacCaffrie replied it ranges from 70 to 80%. Some insurance companies will pay the top rates but he took the general averages. Interim Fire Chief MacCaffrie explained the billing and collections process. He stated the New Durham rates have not been raised in about 4 years although the expenses have risen.

Chair Swenson noted that the New Durham rate is about 75 to 80% of the other town averages currently. He clarified that what Interim Fire Chief MacCaffrie is suggesting is to come up closer to the rates other towns are using.

Chair Swenson stated there are two issues for discussion: should New Durham raise its rate and if so, how much. Selectman Jarvis stated it has been six years and stated she thinks they need to raise the rate but certainly not to the higher levels they see in other towns. The money helps in buying and maintaining necessary equipment, etc. She stated rates proposed by Interim Fire Chief MacCaffrie seem to be a happy medium between what they have now and what other communities are charging.

Interim Fire Chief MacCaffrie explained the variances that can occur with calls and the itemization of bills.

Selectman Bickford stated he is mainly concerned with covering their costs.

Chair Swenson asked what the actual cost is for the ambulance to go out on a call. Interim Fire Chief MacCaffrie replied it is around \$450. This does not include any extra expenses such as IVs, etc. Interim Fire Chief MacCaffrie explained how this was calculated, stating it includes insurance, salaries, supplies, fuel, vehicle depreciation, etc. Selectman Jarvis noted this doesn't include the ongoing training expenses for responders.

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Chair Swenson suggested getting more details for the exact costs over two years and asked Interim Fire Chief MacCaffrie to have that information for the next meeting so a decision can be made.

Public Input

Greg Anthes, resident, asked if the fire trucks are still out of service. Interim Fire Chief MacCaffrie replied they are both back in service. Mr. Anthes asked if the cause of the breakdowns were determined. Interim Fire Chief MacCaffrie replied the pump truck was the result of the engine pump valve problem and the ladder truck needed cables cleaned.

Agenda Review

Selectman Bickford added under Old Business: streetlights; timber tax/forestry sale; surplus numbers (2014 unexpended funds).

Department Reports

None at this time.

2015-2016 Health Insurance

Cheryl Favreau, Aflac Representative, stated with the new insurance requirements and the affordable healthcare changes, there are ten essential benefits that have to be on every insurance plan. Ms. Favreau stated Aflac is supplemental insurance and has a solution which she has discussed this with Town Administrator Bourgeois. Ms. Favreau stated Aflac can save the Town over \$120,000 a year, with the same exact plans (different carriers), same co-pays and same deductibles as they currently have. She explained it is the same network of physicians as well. Selectman Jarvis asked if there are any restrictions with preexisting conditions. Ms. Favreau replied that with the new changes in healthcare laws, plans have to provide all the essential benefits.

A summary of benefits and costs was reviewed and discussed.

Ms. Favreau explained what they offer called Medical Expense Reimbursement Plan (MERP). It allows the Town to retain the funds for catastrophic events instead of the insurance company. She explained a study was done showing only 8% of people will ever use a \$5,000 deductible. By offering the MERP program the Town can save money when employees do not meet the high deductibles.

Ms. Favreau explained the breakdown of the costs, the added benefit of supplemental income Aflac provides to members as well as the services provided by the third party administrator. Details of the calculated savings were reviewed and discussed. It was noted that over five years, it would be a 25% savings on total healthcare costs to both the Town and employees.

Selectman Jarvis stated she is very interested in going with Aflac but would be interested in talking with some other municipalities or small businesses that have gone with this company.

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Chair Swenson asked Ms. Favreau to provide a reference list. Selectman Jarvis stated she wants to be sure there aren't going to be significant negative changes for the employees.

Ms. Favreau noted they need about 60 days to complete the process of changing over.

Selectman Bickford stated they are looking at three different scenarios: the Town covering 90% of premiums; the Town covers 100% of both premiums and deductibles; or the Town pays 90% of premiums with 100% of deductibles. Ms. Favreau stated that she has run the numbers with Town Administrator Bourgeois and either way, it is going to be a savings for everyone.

Chair Swenson summarized they are looking at health insurance from two different vendors, including the current vendor, Schoolcare and the other being Inter Local Trust. It was clarified they need to make a decision as soon as possible and Chair Swenson stated it isn't likely that Aflac will factor into this given the time needed to change over. It was discussed whether there are penalties if they change their mind after locking in with one of the vendors and then decide to switch to Aflac. Town Administrator Bourgeois stated he does not know if there are penalties. Selectman Jarvis stated she wants a definitive answer.

Selectman Bickford suggested carrying on with Schoolcare because it would take a while to get going with Aflac. Selectman Jarvis stated Schoolcare informed them that a decision needs to be made today, which is an extension from February 1. Coverage is current through June 2015. The renewal letter was referenced and there did not seem to be an explanation for the five months notice.

Chair Swenson summarized that the competing bid by Interlocal to Schoolcare has very similar opportunities in terms of coverage for employees and it has lesser costs by about \$12,000. He stated Interlocal does not have a pickup or renewal date required. Chair Swenson stated there are two alternatives to renewal with Schoolcare, either Interlocal or Aflac, which he states is fairly positive based on the preliminary information. He stated it seems curious that the current provider needs a five-month renewal notice. Chair Swenson stated it appears no decision needs to be made at this point as there are two back up opportunities. Selectman Bickford and Selectman Jarvis concurred to wait for additional information. Chair Swenson asked Town Administrator Bourgeois to make sure it is on the agenda for the next meeting.

Chair Swenson asked Town Administrator Bourgeois to contact Schoolcare to see if the deadline can be postponed until at least April 1.

Old Business

Speed Limit Ordinance

Chair Swenson stated the signed ordinance was dated May 1, 2003 and lists the various speed limits.

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Selectman Bickford stated the original document needs to be on the website but he suggested they also need to consider updating the speed limits in Town. He stated he has heard they cannot enforce anything under 30 mph in Town but hasn't seen any documentation for that. Selectman Bickford stated the Town roads have been improved since 2003. Selectman Jarvis noted there are some road names that need to be updated as well. Police Chief Bernier stated there may be a prior ordinance that lists the roads that are missing.

Chair Swenson asked Police Chief Bernier to have a complete list of recommendations for the next meeting so they can come up with a revision for the ordinance.

Police Chief Bernier clarified speed limits are set by State statute however towns can set limits lower based on the conditions of the roads.

Selectman Jarvis suggested using the wording of "*supersedes all others*" in the revised ordinance to be sure the list would cover all past ordinances. Police Chief Bernier asked the Board of Selectmen if they want to put something like this out to the public. He explained he receives numerous complaints from residents about speeding in certain areas and he thinks the public may want to have input on speed limit ordinances as well. Chair Swenson agreed but stated Police Chief Bernier needs to give his recommendations first.

Selectman Bickford asked why the ordinances aren't more readily available. He stated takes too long to get their hands on them and suggested they need to be online. Selectman Jarvis replied there used to be a book of ordinances in the Town Administrator's Office but doesn't believe it has been kept current. She suggested that once Town Meeting is over to have the Town Clerk start working on organizing the ordinances.

Chair Swenson asked Town Administrator Bourgeois to see how ordinances are currently being referenced and come back with a recommendation of how to make them more easily available and complete. Selectman Bickford asked Town Administrator Bourgeois to contact Virtual Town Hall to improve the search function.

2014 Board of Selectmen Goals and Accomplishments

Chair Swenson stated this has been covered at recent meetings and asked if there was any more the Board of Selectmen wanted to discuss. Selectman Bickford stated he is done. Selectman Jarvis noted the most recent version needs to indicate that the signing of the assessing services agreement has been completed.

Parks and Recreation Commission Minute Taker

Chair Swenson stated this is relative to a prior discussion and request by the commission to have a minute taker as needed. Town Administrator Bourgeois stated the current Board of Selectmen minute taker is available to do the minutes for the commission. Chair

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Swenson stated there needs to be formal action for Jennifer Riel to be the Parks and Recreation Commission minute taker at a rate of \$12.00 per hour.

Selectman Bickford stated it seems odd to pay someone a different rate for doing the same job in two different places. Chair Swenson stated it is what the Parks and Recreation Commission has in their budget. Selectman Jarvis stated the minute taker is budgeted for one rate in the Board of Selectmen budget and another rate in the Parks and Recreation budget. Selectman Bickford stated unless there is something different about the minutes he doesn't think it will work.

Chair Swenson asked how often the commission meets. It was confirmed they meet an average of ten times per year and Selectman Jarvis stated the meetings typically going three to four hours.

Chair Swenson stated the argument for equal pay for equal work is valid. Selectman Jarvis stated she would be in support of the Parks and Recreation increasing their budget for the position in 2016.

Selectman Jarvis made a motion to add the additional duties of taking the minutes for the Parks and Recreation Commission meetings for Jennifer Riel and she be paid at her current Board of Selectmen minute taking rate. Selectman Bickford seconded the motion. Motion passed, 3-0.

Signing of Clarke Deed

A copy of the deed was distributed and reviewed. Signing was postponed until a notary was present.

Selectman Jarvis made a motion that the Board of Selectmen authorize the quit claim deed and executory interest in the land for what is referred to the Clarke Property on Berry Road and to authorize the Chair to sign on behalf of the Board. Selectman Bickford seconded the motion. Motion passed, 3-0.

Wage Study- Bid Review

Chair Swenson stated one bid came in for the modified RFP from Thornton and Associates in the amount of \$4,860.

The scope of the bid was briefly reviewed and discussed. Selectman Jarvis noted the bid is under the amount budgeted. She stated it appears to cover everything they requested but she is surprised at the length of time expected for the draft, eleven to twelve weeks.

It was agreed to postpone further discussion until the next meeting after a more thorough review and comparison with the RFP.

Street Lights

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Selectman Bickford presented a map and list of the lights compiled by the New Hampshire Electric Coop. He stated not all the lights are still on and have actually been shut off but they need to go through their list to see what they are paying for. The map was reviewed and discussed. Selectman Jarvis suggested making a copy of this available to the Police and Fire Departments.

Chair Swenson summarized they need at least two copies made of the map; confirm this is a complete listing; and contact PSNH for a similar listing and map. Selectman Jarvis stated it had been suggested at one point to research if it would be beneficial to convert to LEDs.

Timber Tax

Chair Swenson suggested Selectman Bickford check the minutes from 2013 to see how the decision was made with regards to the 10% timber tax. Chair Swenson stated he thought they decided to have the 10% tax put into the Unassigned Fund Balance to go to the General Fund. Selectman Bickford stated his concern is if they have received the money from silviculture, it needs to be used for the silviculture on the warrant article. Chair Swenson disagreed and stated that is what the Shirley Forest Trust Fund is for. Selectman Bickford stated he feels they are robbing the trust and it is contrary to what the forester suggests. He stated that when they take the 10% it should be set aside for silviculture so they don't have to go into the trust.

2014 Surplus

Chair Swenson asked Town Administrator Bourgeois to follow-up with the Finance Officer to make sure all the books have been closed and distribute the information to the Board of Selectmen.

Bank Access Letter

Chair Swenson read a letter that was drafted to the bank from the Board of Selectmen. Chair Swenson stated the Finance Officer often gets incomplete information from the bank because they have not authorized her to have access to the information. He stated they need to ensure the Finance Officer does have the access she needs.

Selectman Bickford made a motion to approve the letter. Selectman Jarvis seconded the motion. Motion passed, 3-0.

The letter was signed by the Board of Selectmen.

New Business

Annual Report Purchase Order

Town Administrator Bourgeois stated he does not have an exact amount and is looking for authorization for "an amount not to exceed." It was clarified the budget is \$4,000.

Selectman Jarvis a made a motion to authorize Town Administrator Bourgeois to sign Purchase Order #1799 to R.C. Brayshaw & Company of Warner, NH to cover

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the cost of printing the 2014 Annual Town Report. The cost shall not exceed \$4,000. Chair Swenson seconded the motion. Selectman Bickford asked how many copies this includes. It was clarified that it is 700 which is a cutback of 50 from last year. Selectman Jarvis stated putting it online has decreased the number that are given out over the course of the year. Selectman Bickford stated he wants to make sure it is a sufficient amount. It was noted they can always print it off the website if need be. **Motion passed, 3-0.**

Draft Agreement for Tax Deeded Auctions

Chair Swenson stated the agreement was drafted by St. Jean Auctioneers and has been reviewed by Town Counsel. Edits were made.

Selectman Jarvis suggested that if this is going to be used as a purchase agreement, they may want to include that the purchaser must merge the property into their current property. Chair Swenson concurred.

Chair Swenson made a motion to use the draft as the format for any auction property or any specified properties already covered. Selectman Jarvis seconded the motion. Motion passed, 3-0.

Selectman Bickford stated that for abutters interested in purchasing properties, it would be better to have the property appraised and set a price instead of auction. He stated property for this purpose is going to be considerably less than one being sold as a house lot. Selectman Jarvis stated they have already agreed that if an abutter is interested in purchasing a property, they are going to sell it to them for the costs and interest without the 15%. Selectman Bickford stated the problem with that is property that has been off the tax rolls for a while accumulates quite a bit of interest and may be more than the value of it as it is not a buildable lot. Selectman Jarvis replied that one of the conditions of abutters purchasing the properties is that it be merged and therefore will not be a buildable lot. Chair Swenson clarified they are only looking for costs the Town has incurred on the properties. He stated he doesn't see the need for an assessed value. Chair Swenson stated that if abutters believe the property is priced at a price higher than it's worth, they still have the opportunity to bid at auction.

Selectman Jarvis stated they received notice from abutters on the Shaw's Pond properties. They are interested in purchasing all the lots rather than just a portion. Chair Swenson clarified the Board of Selectmen already discussed this and suggested Town Administrator Bourgeois refer to the meeting minutes for direction.

Other

Chair Swenson stated he will not be able to attend tomorrow's Planning Board and asked if Selectman Jarvis or Selectman Bickford could attend in his place, as well as for the meeting on the 17th. Selectman Jarvis stated she could attend the meetings as the Board of Selectmen representative.

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Chair Swenson made a motion that Selectman Jarvis fill his spot as the Board of Selectmen representative to the Planning Board for the February 3 & 17, 2015 meetings. Selectman Bickford seconded the motion. Motion passed, 3-0.

Alliance for Coastal Transportation Representative

Selectman Jarvis stated they need to appoint someone as a permanent representative to the Alliance for Coastal Transportation. She has been filing the position for the last five years but as of March they need a new representative. It was noted the alliance meets every other month on a Wednesday.

Closing Schedule

Chair Swenson stated the Town does not have an official guideline for closing the Town offices during inclement weather.

Examples of policies from other towns were reviewed and discussed.

Chair Swenson stated he is in favor of taking an approach similar to that of the Town of Gilford.

Selectman Jarvis noted that when a State of Emergency is declared, all non-essential persons are asked to stay off the roads. Selectman Bickford stated that there aren't a lot of people there are going to be covered by this as the highway, police and fire departments are already going to be coming in anyways. Selectman Jarvis replied there are civilian employees in those departments. Chair Swenson stated that regardless of how many employees the policy applies to it is still important to have in place.

Chair Swenson made a motion to use the policy on weather closings of the Town of Gilford, replacing the name to the Town of New Durham. Selectman Jarvis seconded the motion. Motion passed, 2-1. Selectman Bickford opposed. Selectman Bickford stated this wasn't on the agenda.

Public Input

None.

Other

Chair Swenson stated the Town made a counter offer to a bank relative to property at 139 Birch Hill Road, Map 244, Lot 064-000. He stated the sale documents need to be signed and notarized. It was clarified this property was taken by the Town for taxes and it is now being bought back.

Request for Abatement

Chair Swenson stated they have a request for an abatement at 2 South Shore Road, Map 119, Lot 033-001 in the amount of \$148. The abatement is due to the property no longer being owned by the Merrymeeting Lake Association.

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Chair Swenson stated he is a member of the association and will recuse from the vote.

Selectman Jarvis made motion that the Board of Selectmen approve the abatement of \$148 for Map 119, Lot 033-001. Selectman Bickford seconded the motion.

Selectman Bickford clarified this is the Fish & Game property at the dam owned by the State of New Hampshire on Merrymeeting Lake. **Motion passed, 2-0.** Chair Swenson recused.

Future Meetings

February 2, 2015- 7:00p.m. - Deliberative Session, New Durham School (Postponed to February 4, 2015)

February 25, 2015- 7:00p.m.- Board of Selectmen, Town Hall

March 2, 2015- 7:00p.m. – Board of Selectmen, Town Hall

Carole Ingham, Town Clerk/Tax collector entered the meeting and documents requiring notarization were witnessed and signed.

Approval of Minutes

Meeting of January 21 & 23, 2015- Public: Edits were made. **Selectman Bickford made a motion to approve the minutes as amended. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

POSTPONED - Meeting of January 5, 2015- Public:

POSTPONED - Meeting of January 12, 2015- Public & Nonpublic

ZBA Variance Follow-up

Chair Swenson gave a synopsis of a discussion he had on January 29, 2015 with Town Attorney Richardson regarding the ZBA change. Chair Swenson stated his concern was regarding the variance being granted to the lessee, Water Monkey Camp. Chair Swenson wants to make sure the ZBA, the Town and the property owner have coverage from a legal perspective. He stated the ZBA only had the lessee named in the motion. The ZBA's motion also used the term "recreational dwelling" which is not something in the current zoning ordinances. Chair Swenson stated the Town Attorney indicated the ZBA can choose to use a category even though it is not in any of the zoning ordinances. It was Chair Swenson's suggestion that the ZBA go back and clarify in their motion the variance that was granted. He stated as the ZBA has also chosen to use a category of "recreational dwelling" they need to think about that means and have it addressed by the Planning Board. Selectman Jarvis suggested the Planning Board may need to come up with zoning ordinance language to go before voters in 2016.

Chair Swenson noted two lots were also zoned differently, one being commercial and the other being residential. The ZBA considered the two lots together. Attorney Richardson indicated this is not a problem. Chair Swenson stated Attorney Richardson is also in the process of clarifying to whom the variance was granted. It was also noted the Town bears

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the responsibility of enforcing the variance and the Code Enforcement Officer is in charge of doing so.

Chair Swenson stated the Board of Selectmen has about ten days from today's date if they want to come before the ZBA for appealing the variance. However, if they choose to do that, Attorney Richardson stated he would have to recuse himself from both the Town and ZBA as he advised the ZBA on this issue.

Chair Swenson stated an important fact for the property owner to be aware of is this is a non-conforming use for the variance and once it is operated under this use they cannot go back to the prior use after one year.

Selectman Jarvis asked that since the variance was granted to the lessee, does the variance remain with the property. Chair Swenson stated the way the ZBA motion was worded, it is not clear. Attorney Richardson will be clarifying this with the ZBA.

It was agreed that the decision and motion are not clear. Chair Swenson noted if the Board of Selectmen wants to do something about it they have until roughly February 12, 2015. Selectman Jarvis noted the Board of Selectmen do not have authority to tell the ZBA what to do but agrees they should voice concern about how the motion was worded.

*****VIDEO LOST AUDIO*****

Adjourn

Respectfully Submitted,

Jennifer Riel, Recording Secretary