

**Approved 06/25/2009**

At 6:07 pm the Board's meeting was called to order in the basement meeting room at the Fremont Town Hall. Present were Selectmen Donald Gates Jr, Greta St Germain, and Brett Hunter; Police Chief Neal Janvrin, Lieutenant Reese Bassett, and Sergeant Jason Laroche; and Town Administrator Heidi Carlson.

At 6:08 pm motion was made by Hunter to enter non-public session pursuant to NH RSA 91-A:3 II (a) and (c) to discuss personnel matters. St Germain seconded and the roll call vote was unanimously approved 3-0.

At 6:45 pm a motion was made by Gates and seconded by Hunter to return to public session. The roll call vote was unanimously approved 3-0. Motion was then made by Gates and seconded by Hunter to seal the minutes indefinitely. This roll call vote was also unanimously approved 3-0.

Janvrin, Bassett, and Laroche left the meeting at this time.

At 6:46 pm Mike & Sue Miller came into the meeting. St Germain circulated some photographs of the North Road stone wall that she took today.

Mr Miller stated they had received the Board's letter and found it to be an interesting proposal, but caused them some concern and questions. They understood that the Town wanted them to pursue it through their insurance company, and he stated they are in the middle of doing that.

Mr Miller indicated that his wife had called looking for a copy of Guerwood's proposal and Carlson had indicated there was not a detailed written proposal on file, only discussion at a Board meeting. Miller asked for clarification of what the scope of work was.

The Miller's said they do not generally read the Board's meeting minutes and the Board's letter came as a surprise to them.

Gates said it had gone on too long as the Miller's have pointed out, and Guerwood came in and said he had damaged it and he would fix it, and thought he could do so without being on the Miller's property to rebuild the section that had collapsed.

Mike Miller said that the Town hired an engineer to come out and look at the wall and the area of major damage is 40 or 50 feet. He further stated that backhoe going back and forth has tipped the wall out even further, and water has found its way off the wall in other areas as well, more than the main area originally damaged.

Mike Miller said that in their opinion, they can see where this is drifting away from their original plans for repair.

Gates said that if it had happened on his wall it would have been fixed a long time ago, as much as it is a retaining wall for the road as it is a stone wall for the Miller's. The question of where the shared property line is complicates the issue of fixing the wall as the Miller's did not want Guerwood Holmes on their property.

Susan Miller said that Holmes has been tipping the wall for 10 years. She said they had tried to fix it when they originally installed their driveway and briefly she outlined a proposal of a catch basin on the other side of the roadway.

Mike Miller said their issue is not whether the wall is picturesque or not; but that the wall is a property line, so putting some rocks up on place again is not enough. The property line needs to be reestablished. He said that the State legally considers it to be a monument and it is illegal to move it.

There was discussion of St Germain's offer to "supervise" the work while going on.

The Miller's feel it was with disregard for them and their property that this damage occurred and that they do have concern about Holmes doing the repair work. They said they have questions and want someone who has some expertise building stone walls to do it. They said that if it was supervised by someone who has expertise in this, it would perhaps change their thoughts. They also thought that the engineer was going to supervise the project.

Selectmen indicated that the Miller's research had enlightened the Board on the need for scenic road public hearings for certain work; and Gates indicated that Mr Miller had also researched some matters indicating that the Board of Selectmen has the clear ability to offer oversight to the Road Agent.

The Miller's said they have been talking to masons and people who can put it back together and surveyors who could re-establish the property line as well.

At 7:10 pm Neal Janvrin and Joyce Booker-Janvrin came into the meeting.

Selectmen said they wanted to move beyond the history and get the project underway. When asked for further information, the Millers said they do not have information back from their insurance company yet. Selectmen asked for the Miller's to ask their insurer to contact the Town in this regard as well. Mr Miller said he could ask, but did not know how responsive they would be.

It was decided that a scope of work will be put together for the repair area and this project reviewed again at the next Board meeting.

The Millers left the meeting at 7:30 pm. Janvrin's came in to the meeting to discuss Joyce's interest in the Assistant EMD position as a back-up to the Emergency Management Director. She provided the Board some of her background information including that she is a working paramedic. Discussion took place regarding Emergency Management and what it entailed.

St Germain moved to appoint Joyce Booker-Janvrin as the Assistant Emergency Management Director for a period to expire March 2010. Hunter seconded and the vote was unanimously approved 3-0. Selectmen signed the form and Booker-Janvrin took it to the Clerk's Office to be sworn in. They left the meeting at approximately 7:20 pm.

Selectmen then continued to discuss the stone wall issue. They will put together a scope of work using the formerly drafted RFP and the proposals received to do the work. Carlson will also talk to the engineers at Stantec to see what scope of work (if any) may be remaining on that contract. There was discussion about looking within the Highway Budget for any needed additional engineering review funds.

At 7:50 pm Selectmen called to order a Public Hearing to discuss a JAG Grant Application prepared for the Fremont Police Department. Those present included Selectmen Gates, Hunter, and St Germain; Chief Janvrin, and Heidi Carlson.

Gates read aloud the notice of Public Hearing:

**Town of Fremont  
Notice of Public Hearing**

The Fremont Selectmen will hold a Public Hearing at 7:30 pm on June 11, 2009 at the Town Hall, basement meeting room, in accord with a 2009 Recovery Act JAG Application for technical assistance and equipment grant funds for the Fremont Police Department. The application package is available for viewing at the Fremont Town Hall, Police Station, and Public Library and on line at [www.Fremont.nh.gov](http://www.Fremont.nh.gov) on the home page. Public written comment will be accepted through this date. The public is welcome to attend.

It is noted that this notice was posted in Town Buildings on 08 May 2009; published in the Fremont Town Newsletter June 2009 edition (distributed to all Fremont households), and in the Union Leader on 27 May 2009. Carlson noted that no written comments have been received with regard to the grant, and there were no others of the public present at the hearing tonight.

Chief Janvrin reviewed the grant application and each of the components providing information as follows:

1. Purchase two new portables, when they are shared, they are not quite as well cared for. This Maintenance problem and a safety issue that people have to share or do not have radios
2. Purchase and install a backup system for the Department reporting system. The current back up is too small to fully back up the entire system. They have a mirrored disk drive system but want to go to a CD system to expand the back-up capability.
3. Add a new work station in the squad room. There is currently only capability for one at this time.
4. Put the LAN (wireless system) in the cruisers to enable officers to run licenses and do other checks in the car without calling into dispatch. Information will come back to them on the mobile screen.

Janvrin stated that the grant money looks to become available around the first of July.

There was discussion about the bookkeeping of the funding, and it may be done through the special detail line.

Janvrin said the whole grant has been submitted and the County hired a grant writer and grant administrator, which was very helpful to the Town.

Hunter made a motion to move ahead with the grant application as proposed by Chief Janvrin. Gates seconded and the vote was approved 3-0.

Hunter then moved to close the public hearing at 8:05 pm. St Germain seconded and the vote was unanimously approved 3-0.

**OLD BUSINESS**

1. Selectmen reviewed the minutes for 28 May 2009. Hunter moved to approve them as written. St Germain seconded and the vote was unanimously approved 3-0.
2. Selectmen reviewed the updated cable contract Memorandum of Understanding is between

Comcast of New Hampshire/Maine, Inc. (“Comcast”) and the Fremont Board of Selectmen, in its role as statutory Issuing Authority (“Issuing Authority”), of the Town of Fremont, New Hampshire (the “Town”). The MOU pertains to Section 7.3, Section 8.1 (a), Section 8.1 (c) and Section 8.1 (f) of the current Renewal License, dated February 19, 2009; and states that the Issuing Authority and Comcast have arrived at the following Agreement:

- At the request of the Town, Comcast will collect the 5% Franchise Fee as outlined in Section 8.1 (a), with first payment to be issued on April 17<sup>th</sup>, 2010. Said payment thereafter will be paid quarterly in accordance with Section 8.1 (c).
- The parties agree that origination capability from the Fremont Town Hall, the Ellis Elementary School, and the Fremont Public Library will be completed by the end of the 4<sup>th</sup> quarter of 2009, instead of August 19, 2009 as it appears in Section 7.3. Said payment for origination capability will be deducted from the 1<sup>st</sup> franchise payment due on April 17, 2010.
- The Town agrees it no longer needs the advance payment of \$10,000 that was due on April 19, 2009 as it appears in Section 8.1 (f) of the Renewal License.

With all in order as agreed, Board members signed the document. It will be forwarded for Comcast’s signature.

At 8:15 pm Mr Richard Laughton was present, representing the Teamsters Union local No 633 of NH and the Fremont Police Union. He came this evening to lay out the “ground rules” for the upcoming negotiations for the Fremont Police Union contract.

Laughton said he had over 4,000 members including the Rockingham County Deputy Sheriffs, Correctional Officers, police officers, and municipal employees as well as employees in the private sector. He said he lives locally in Durham and that the Selectmen or Chief Janvrin were welcome to call him if they had any questions or needed information.

He indicated that he would bring in discussion topics and outline some of the items the bargaining unit wanted. He said that he and the Union want to present something that the voters will accept. He recognized in this difficult economy that there were many things to be considered.

He said that he wanted all negotiations to take place in non-public session as permitted by statute. He said that he would send a contract sample to the Town for review prior to the next session, so the Town and Chief Janvrin could review the type of items which might be contained in a contract.

A return appointment was set for 7:30 pm for one hour, on Thursday June 25, 2009. Mr Laughton requested this negotiation session be held in non-public session.

Mr Laughton left the meeting at approximately 8:40 pm.

### **OLD BUSINESS CONTINUED**

3. St Germain shared some updates on the status of SRRDD 53-B as she had attended the meeting of June 10<sup>th</sup> in North Hampton. The SRRDD 53-B information sheet was completed with St Germain listed as the Town’s representative. Carlson will serve as an alternate if needed.

4. Carlson provided an update on the Sawyer legal matter and Attorney Ryan’s letter to the Sawyers. Additional follow-up will be done on this matter.

5. Time was set aside on the June 25<sup>th</sup> agenda for Guerwood Holmes to come in for an update on summer projects. St Germain said she had some time this week and had begun to look into options for the town's purchase of its own equipment. There was some general discussion about the future of the town's needs.

### **NEW BUSINESS**

1. Selectmen reviewed current manifests. Hunter moved to approve the payroll manifest dated June 12, 2009 in the amount of \$25,819.70. St Germain seconded and the vote was unanimously approved 3-0. Hunter then moved to approve the accounts payable manifest dated 12 June 2009 in the amount of \$40,027.03. St Germain seconded and the vote was unanimously approved 3-0.

As per the vote of May 28, 2009, Selectmen all reviewed and signed the accounts payable manifest on June 4, 2009 (dated June 5, 2009) in the amount of \$6,542.44. The Board at that time also signed a supplemental payroll manifest dated June 5, 2009 in the amount of \$699.16.

2. Board members reviewed the folder of incoming correspondence.

At approximately 9:15 pm Director Jen Jaquith and Recreation Commission Chair Renee King came in with Parks & Recreation Counselor Candidates Amelia Winchell, Michael Laskowski, and Lauren Lennon. Counselors introduced themselves and indicated their tenure with the program. Winchell is in her 3<sup>rd</sup> year with the program; Lennon in her 2<sup>nd</sup> year. Laskowski is new to the program this year.

Jaquith stated that she had been through an application and interview process with the candidates, and brought them in to meet with the Parks & Recreation Commission at their meeting of June 10<sup>th</sup>.

Selectmen indicated to counselors that their job this summer is an important one, and that the Camp Fremont Program has a good reputation and high standards of care for children. All agreed that they were looking forward to the summer.

Jaquith said that there will be an inservice training for all counselors on Wednesday and Thursday July 1 and 2.

The candidates left to finish remaining paperwork at approximately 9:30 pm.

There was discussion about wage rates and the summer program schedule including enrollment information. If enrollment is down, there will be a rotating schedule so that all counselors are not there at all times.

The Board decided that all candidates needed to submit information for the background check and there was discussion about cost now that the fingerprinting is involved. Candidates will need to coordinate the fingerprinting at the Police Station and all other payroll forms and paperwork through Jeanne Nygren in the Selectmen's Office.

Jen Jaquith and Renee King left the meeting at 9:45 pm.

### **NEW BUSINESS CONTINUED**

3. There was discussion about the setup of the agenda. Board members wanted to allow time early on for review of the agenda and any other file information pertinent to appointments later in the evening. There was some discussion about how agendas had been laid out in the past and how we came to beginning

meetings at 6:00 pm. Department time has remained constant at 7:00 to 7:30 unless Board meeting times have to be adjusted.

4. St Germain has refreshed the folder Carlson began on the volunteer fair, as she has learned some information at the Selectmen's Institute about community-building type events. She would like to work on this for perhaps the fall, or maybe next spring. Carlson had gathered some information from when the idea initially generated with former Selectman Cordes, the letter sent out to Fremont organizations, and an updated list of Fremont organizations. St Germain will work on this during the summer and bring back further ideas to the Board.

5. Selectmen opened two oil bids which were received by the June 4, 2009 due date. Due to the summer schedule, they were opened this evening. Bids were sent out in April to several local vendors. The bids received included the following:

**Flynn Oil – Exeter**

\$1.999 per gallon payment due in advance

\$2.099 per gallon pay as you go, payment due net 10 days

Downside protection to \$1.50 per gallon

**Lamprey Brothers – North Hampton**

\$2.399 per gallon payment due in advance

\$2.499 per gallon pay as you go, payment due net 10 days

Downside insurance an additional \$0.20 per gallon (paid upfront on either option)

Selectmen selected Flynn Oil in Exeter with the understanding that the contract year runs from June 1, 2009 through May 31, 2010 and that throughout that 365 day period the above prices remain in effect, no matter when fuel is purchased during the year. The Town will pay up front as much as included in the 2009 fiscal year budget, and will pay into 2010 on additional gallons allowed by the contract.

The contract will be signed once date corrections are made to the contract.

The Town's portion of the Flynn contract is for 10,500 gallons and all that is paid in advance is what the Town has in the 2009 FY budget accounts (to be determined).

The Fremont School District will be contacted to provide the information on the bids so that they can also make arrangements as they see fit.

6. Selectmen reviewed two separate email correspondences from Dan Itse regarding use of Town-owned forest land and regarding the Arnofsky property at 281 Main Street.

With regard to the Town Forest and the upcoming heating season, Itse suggested something that was done in the town he grew up in during the oil embargos of the 1970s. He outlined that the Town paid a forester to come in and fell trees in the town forest to maximize tree health. Town residents were then allowed to come in and gather as many felled trees in a day as they were able, for a modest fee, say \$30. It is a way for the Townspeople to reap an immediate benefit from the land they have spent their tax money on.

Selectmen indicated for the record that the Conservation Commission oversee Fremont's Town Forests, and has management assistance from a NH Forester, who oversees the Forest Management Plan, handles selective cutting of the property, and participates in other forest-related projects and plans. Revenue from timber cutting, when they take place, are returned to the Town's general fund to offset taxes.

Selectmen discussed today's liability issues and private citizens on town land with chainsaws, as well as removing logs. The Board did not feel such a plan was prudent.

Itse's second email was to inform the Board that he had introduced a petition of redress for Barry Arnofsky and the erosion of his property after the replacement of the bridge. He attached a copy of the petition which was also printed and reviewed. Itse stated that the introduction of the petition generated some interest and a response from DOT and attaches their letter as well. Itse's email further indicated that the Speaker forbade the Committee Chairmen from taking up the petitions. Therefore, they have formed an Ad Hoc group to listen to the petitions. He stated that the Town will be notified about a week before that Committee listens to the Arnofsky Petition. He indicates he would like someone from the Town to attend. Itse said that he had looked into the bridge replacement and thinks that the problem is caused by the lack of a center support for the bridge. The center support in the previous bridge was not parallel to the banks, but angled to direct water away from the outside bank. If the foundation for the center support exists, I think it can be replaced without much effort with DES.

The Selectmen discussed this and indicated it would have been much better for the bridge issue to have been brought to the Town by Mr Arnofsky. Selectmen would like Carlson to draft a letter to Itse requesting he come in with Barry Arnofsky.

Selectmen said that the volume of storm water the Town has received in the past nine to ten years (since the bridge was reconstructed) with the at least two 500 year floods in the same time period could also be the reason Arnofsky believes he has seen additional erosion. The property is at the river bank to begin with. The Town had the bridge engineered, approved and partially funded by the State of NH, and it was constructed to meet all of the required specifications.

7. Carlson explained that she has continued to work on the Town's Personnel Policy Manual and a 1<sup>st</sup> printed draft was submitted for Board members to begin reviewing. St Germain has also been learning a lot about this at her training sessions and it has been a lengthy process to work through. To keep the schedule moving ahead, Board members will review this, and a future work session will be planned.

St Germain asked for the Board's consent to request from the NH Local Government Center a copy of their updated 2009 Personnel Policy for Municipalities. The Board agreed. Carlson indicated that it is from the NH LGC template that this draft policy was taken, but that there could certainly be some updates in recent years.

8. There was discussion about the outline of agenda for meetings and leaving time at the onset of meetings to review the agenda and getting familiar with any pertinent history or case information.

9. Board members discussed a newsletter review procedure for the July edition. Carlson said that to get it out ahead of the July 4<sup>th</sup> holiday, she would have a draft ready for next Thursday when the Board will be coming in to review the manifest. The Board agreed that they would review and list any comments on the draft presented next Thursday June 18<sup>th</sup> when in to sign and review the accounts payable manifest.

10. Carlson had prepared a lien release form for parcel 03-001.001.14B in accord with an anticipated payoff. Board members signed this release and it will be held pending the payment from the attorney's office. It will be dated at such time it is paid off.

11. The following abatements processed by the Assessor were reviewed by the Board:

William & Michelle Nihan 64 Cavil Mill Road 03-191.002

Subject is a 2.48 acre parcel improved with a colonial style residence. Reason for request is that the assessment exceeds that of a recent appraisal at \$330,000. Property was inspected and all physical data was verified. The sales used in the appraisal were from 2007 and 2008 and show that the appraisal is in line. The appraisal was reviewed and the assessments of the comparables are consistent. Property was inspected and it was determined an adjustment to the building was appropriate. After an adjustment the assessment increased from \$368,500 to \$370,900 and it is recommended that the abatement be denied.

Based on the Assessor's recommendation Hunter moved to deny the application. St Germain seconded and the vote was unanimously approved 3-0.

Jacob A & Sandra J Donigian 197 Chester Road 01-012.002

Subject is a 5.18 acre parcel improved with a ranch style residence. Reason for request is the applicant's belief that at the land assessment is excessive compared to the land values of abutting properties. Property was inspected and it was determined a sketch correction to the building was appropriate. A correction was also made to the land assessment for its physical location. After these adjustments the assessment decreased \$52,500 from \$439,700 to \$387,200 and it is recommended that an abatement in the amount of \$1184.40 be granted.

Based on the Assessor's recommendation St Germain moved to approve the application. Hunter seconded and the vote was unanimously approved 3-0.

Michael R & Glenda S Paquin 32 Frost Lane 03-054.001.032

Subject is a 2.84 acre parcel improved with a ranch style residence. Reason for request is the applicant believes the assessment is excessive for a single level home. Applicant provided an appraisal @ \$355,000 as evidence. Property was inspected and the physical data was verified. The appraisal provided used 5 comparables only one of which was a ranch dwelling. The most comparable sale property is in another Town but it does support the assessment. Based on the inspection some minor corrections were determined to be appropriate. After adjustments the assessment decreased \$800.00 from \$369,600 to \$368,800 and it is recommended that an abatement in the amount of \$18.05 be granted. Note: Assessment has been adjusted for the 2009 tax year for additions.

Based on the Assessor's recommendation St Germain moved to approve the application. Hunter seconded and the vote was unanimously approved 3-0.

Paul Drapeau & Carol Hepworth 85 Tuck Drive 06-064.007

Subject is a 2.39 acre parcel improved with a colonial style residence. Reason for request is the taxpayer's belief that based on recent sale prices of comparable homes the property is over assessed. The applicant listed sales of comparable properties in comparison to their assessments as evidence. Property was inspected and only a minor data correction was necessary that did not affect value. The comparables listed by the applicant included two sales that were purchased from a lending institution and are not considered good indicators. An analysis of more comparable sales shows that the properties are assessed consistently. The assessments are higher than the sale prices due to changes in the market since the 2005 revaluation. Based on these facts there is no reason for an adjustment to the assessment and it is recommended that the abatement be denied.

Based on the Assessor's recommendation Hunter moved to deny the application. St Germain seconded and the vote was unanimously approved 3-0.

12. Selectmen reviewed an Intent to Cut for parcel 02-131 owned by Byron Walker. Hunter moved to approve the Intent. St Germain seconded and the vote was unanimously approved 3-0.

13. Selectmen reviewed an Excavation Tax Levy for parcel 03-002 owned by Martin Ferwerda in the amount of \$250.80. Hunter moved to approve this warrant. St Germain seconded and the vote was unanimously approved 3-0. The warrant was forwarded to the Tax Collector's office.

14. Carlson reviewed with the Board a recent email from NH DRA regarding acceptance in Fremont of certain statutory exemptions and credits. Carlson, in doing this research, explained that she could find no record of the adoption of the blind exemption. In light of this, DRA recommends that it be added to the next Town Meeting warrant for ratification (in 2010). This led to discussion about changing the amount to update it in light of the changes in assessed values. The Town Report research showed the blind exemption first in town records in the late 1930's. It was first allowed by statute in 1935. The Selectmen suggested that Matthew Thomas be contacted as well, to see if he had further information. It was not listed in the Town History Book, but Thomas may have additional resource information.

15. Keith Gagnon from the NH Department of Revenue Administration (DRA) Property appraisal Division was in to the office this week to follow-up on Fremont's Town Meeting and the warrant article to complete the recertification process as required for April 1, 2010. Gagnon was advised that the article had been defeated at Town Meeting and that the Town had no authority for getting the work done in that time frame.

Gagnon outlined the steps which he said the Town needed to take, as the NH Constitution and statutes require it be done every five years. Carlson explained to Selectmen the discussion held with Gagnon regarding the conflict between the certification requirements/laws; and the Town's appropriation/expenditure laws which must be followed. Gagnon said that the worst-case scenario is that the NH Board of Tax and Land Appeals can order a revaluation and add it on to the Town's tax rate. Gagnon said this will undoubtedly cost more money, and will be completely overseen by DRA instead of the Town.

Carlson explained to the Board and to Gagnon during his visit, that the Selectmen's Office was beginning the work required to update and verify all exemption and credit information. This is an in-house part of the certification process and should be completed by the end of the summer.

Gagnon said that he and the DRA Property Appraisal Division Director Steve Hamilton would look at their calendars and schedule time on a future Board agenda to further discuss the options.

The next regular Board meeting will be held on Thursday June 25, 2009 at 6:00 pm.

With no further business, motion was made by Hunter and seconded by Gates to adjourn the meeting at 11:47 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator