

**FINAL**

**BOARD OF SELECTMEN'S MEETING**

**May 5, 2008**

**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 Brian Walsh. Present were: Brian Walsh, Chairman; Katherine Connolly, Vice Chairman; Bill Baschnagel, Selectman; Athos Rassias, Peter Christie, Selectman; and Julia Griffin, Town Manager.

**1. PUBLIC COMMENT.**

Chairman Walsh asked for any comments from the public.

David Cioffi, Etna, reported a successful Green Up Day event with over 150 bags being picked up. Mr. Cioffi also expressed gratitude to Rev. Brayman for allowing them to use Trumbull Hall.

Mr. Cioffi read the following letter requesting that it be included in the Minutes:

“I would like to comment on three items – the proposed wetlands amendments (Article 7 on the warrant, the potential revival of a rural lands study group and how Town committees are appointed and operate. I'll be as brief as possible as I know you have a busy night ahead of you.

Here is a summary of key grievances with the wetlands proposal and supported by other landowners.

1. There is no problem that needs fixing. Current Hanover regulations coupled with State regulations are more than adequate when they are enforced.
2. Landowners should have been briefed about the true impact of changes long ago such as at the meeting on January 15, 2008 in Etna or at a follow-up meeting convenient for them to attend like the evening Etna meeting. The wetlands committee has been working behind a curtain.
3. The public notices regarding the proposals do not meet the notice requirements of State statute. We feel the statements in the notices were inadequate and misleading.
4. The proposal has been sold as more landowner friendly and it isn't. There are some good things but these are far outweighed by the bad things. The Town would move further into our backyards with needless and confusing new regulations. Jurisdictional areas have increased and some currently allowed minor impacts have been decreased. Plus it will add significant costs for landowners by requiring the need for a professional soil scientist/engineer to do complex drainage calculations for minor work.

5. Costs for the Town to enforce these regulations will increase due to the expansion of the jurisdictional area.
6. It is misleading to say that the proposals are drafted to parallel the State wetlands regulations. In fact, the Town's proposed regulations go beyond the State's and actually add another layer.
7. The proposal is loaded with ambiguous terms that make it difficult for landowners to understand. They do not tell landowners what they can and can't do. Instead, there is now a supplemental pamphlet entitled "Water Resource Protection in Hanover" that endeavors to explain the ordinance but it warns you that the precise terms of the applicable laws and regulations are not set forth in this document. The wetlands zoning ordinance should be written so when a landowner reads it, he knows what he can and cannot do.

At this point, there is nothing you can do because the water is over the dam on this proposal. Once something like this gets on the ballot with the Planning Board's unanimous approval, impacted landowners are dead in the water. Our only recourse is the courts and on this proposal you should know that is a distinct possibility due to how it has been brought forth.

The second item I want to address is the possibility the Rural Lands Study Group might be reincarnated. Again, we have no problem that needs fixing. The ten-acre minimum size lot for major subdivisions ensures rural Hanover will not be overwhelmed by housing developments. Of course, it also ensures there will never be affordable housing in rural Hanover.

The real problem is a certain element of our Town population is trying to create a doomsday scenario – rural Hanover will soon look like a New Jersey suburb unless we regulate every acre out there.

I strongly encourage you to take a leadership role by taking these actions:

1. Instruct the Planning Board to back off and let current zoning do its work. There is no need to revive the Rural Lands Study Group. Rural lands have already been studied to death. You know the lands the Town covets because they have been identified several times.
2. Instruct the Conservation Commission to start spending the conservation fund to acquire easements on the identified land. On March 31, 2008 they had \$498,679 in the fund. You can stretch that money by purchasing easements from willing landowners rather than blowing it all by acquiring through purchase one big piece of land.
3. The Open Spaces Plan recommended a stewardship fund of \$30,000 be created to support monitoring and enforcement of easements held by the Town and thereafter be increased each year for each new easement accepted for Town stewardship. This has not been done. Thus, purchasing easements is encouraged by this past study as well as by the

2003 Master Plan but nobody pays attention to this. The people in power have a fixation on zoning only.

4. Consider a land acquisition bond proposal for the upcoming year of two million dollars. This will tell you how much Hanover citizens value our rural land for preservation. Let all Hanover citizens vote on this issue rather than letting a select committee propose more zoning to take this land.

When I was on the rural lands study committee, one of the items that was often repeated was that past studies done (Scenic Locales Report, Open Space Priorities Plan, Guiding Growth in Rural Hanover, 2003 Master Plan) demand that we use zoning to preserve rural land. I challenge that concept because I have read those plans and noted there is also an emphasis on using other methods like purchasing easements and even a bond issue. Unfortunately, the zoning advocates bury these suggestions. I now challenge you Selectmen to resurrect these ideas and try them rather than allow the Planning Board to move forward with more zoning.

Finally, I want to comment on the process of appointment Town committees and how they operate. My observation of the past Rural Lands Committee was that there really were no appointed members. Various folks would show up – some more than others – but all were considered committee members. We did not establish any method of voting on issues nor did we follow Robert's Rules of Order. The landowner opinions on issues didn't matter. It was evident where the group was headed and there was no stopping them. The Town representative from the Planning Department participated more as an advocate of more zoning rather than as a technical advisor. Now I understand that a new committee being considered will be comprised of three members of the Planning Board and the Town Planning staff. Hopefully, you Selectmen will stop this freight train before it starts down the track, call a halt to more zoning in rural Hanover, and consider alternative methods of land acquisition. I have tried to convince the Planning Board to use more carrot than stick but my pleas have fallen on deaf ears – ears that I see throughout all the studies that have been made on rural lands – ears that think zoning is the only way to preserve rural Hanover the way they want to see it. You folks need to encourage alternative methods because at this point, the only way I see rural landowners can protect their land is to fight the Town in court. Already you are there with the Leavitt family land.

Thank you for providing time for citizen comments at the front of your meeting. Please include these comments in the minutes of the meeting.”

Chairman Walsh thanked Mr. Cioffi for speaking to the Board.

John Schiffman, 24 Rip Road, stated that he visited China and when he arrived back in Hanover, he came up with a concept for moving traffic through Hanover. Mr. Schiffman referred to a map that he crafted to demonstrate his suggestion. The concept was to have one-way traffic from North Main Street to the Inn Corner, proceeding one more block. Lebanon Street traffic would all flow to the East. Crosby Street would be one-way to E. Wheelock. E. Wheelock would be west bound to The Green. He would also suggest placing a permanent barrier between the

Hanover Inn and the Hop. Mr. Schiffman noted that he has no vested interest in this project but wanted the Board to look further at the proposal.

Chairman Walsh felt that this was a good place to start a conversation. Selectman Baschnagel stated that there had been discussions about a roundabout at Crosby and Lebanon Street and the concept fits in to this type of approach. Selectman Connolly stated that she was concerned about the access for Dartmouth Coach and Advance Transit if the area in front of the Inn is closed off.

Chairman Walsh stated that he would like to see a plan from Town Staff in June as to where the Town goes from here. Selectman Baschnagel stated that perhaps they could add the Advance Transit study to this project.

## **2. UPDATE BY LEGISLATIVE DELEGATION REGARDING STATUS OF EDUCATION FUNDING AND RETIREMENT SYSTEM LEGISLATION.**

Chairman Walsh invited Representative Bernie Benn to speak to the Board. Ms. Griffin thanked Mr. Benn for coming in since Sharon Nordgren was unable to attend. Representative Benn stated that he doesn't know what has happened to the Retirement System Bill since it went to the Senate. Chairman Walsh asked Mr. Benn to outline the important points of the Bill as it came out of the House.

Representative Benn stated that the Retirement System is in a situation where the funding was not looking positive. NH is not the only state in this situation but they are toward the bottom. This occurred for several reasons and largely because the Board of Director's estimates for growth were doing quite well for a while and then slowed down. While the growth was doing very well, there was a transfer of money that was growing in the corpus of the system into a "special account" where extra money was funneled beyond the 9% growth to pay for COLAs and medical subsidies. The IRS weighed in on this approach and felt that it was not legal. The Bill took \$250 million out of the "special account" and placed it back into the corpus of the fund.

The medical subsidy was an 8% subsidy that did not apply to everyone which went into effect for a certain time period which was going to end June, 2008. There was concern that there would be a lot of teachers retiring throughout the State because they would lose their medical subsidy if they didn't retire at that time. Part of the Bill proposed extending the deadline one more year. The Bill included changing the composition of the Board of Directors of the Retirement System and lowered the number from 14 to 12 people. The ratio of employee representatives on the Board went down but they added more experts on the Board that had experience with investments. This is a contentious point with the Unions because they wanted to have the same level of representation. Ms. Griffin stated that the House Bill came as a long study and recommendation from the Governor's Commission.

Mr. Benn stated that if nothing was done, the municipalities were looking at a 50% increase in their contribution but the Bill proposed would drop it to a 15% increase. It is unclear what will happen with that when it comes out of the Senate. The Unions have put a big push on the Senate. Mr. Benn reported that the Police and Fire Unions feel that they have made their

payments at a higher rate than the teachers and their claim is that the employers have underpaid into the system all these years which has caused the problem. Mr. Benn stated that the employers paid the bill that was sent to them although it might not have been as high as it should have been. The municipalities aren't at fault because they paid what the Retirement System asked them to pay. Chairman Walsh noted that if the funds had not been siphoned to the special accounts or if the benefits had been handled correctly, the Retirement System wouldn't be in this situation.

Mr. Benn stated that Senator Burling was chair of the ED&A, Executive Department & Administration Committee, and a Bill has passed out of that Committee to the floor of the Senate which will go out to Finance in the Senate very soon.

Vice Chairman Connolly reported that the proposal was to change the age requirements for retirement were changed. Mr. Benn stated that the original proposal was to raise the age requirements to 25 years of service and 55 years of age. The arguments from the Unions for police and fire advised that there shouldn't be people 55 year old firefighters taking people out of burning buildings, etc. Mr. Benn stated that they felt that there may be other jobs for people in the higher age brackets. Mr. Benn stated that they then lowered the age to 50. The Senate put it back to 45 years.

Mr. Benn stated that Representatives realize that when they discuss the 'employers', they realize that they are talking about the taxpayers. The Committee of Conference will be quite difficult.

Ms. Griffin reported that if HB 1645 passes, Hanover will see an increase of \$18,000; if it doesn't pass it will go up to \$339,000 in the employer mandated retirement system contributions which is only the Town portion of the bill and not the schools. Mr. Benn stated that everyone is concerned and recognizes that this is going to increase the amount of property tax that the citizens are paying and he can't imagine that the numbers are going to hold in the Committee of Conference.

Mr. Benn stated that he felt that they were making progress on Education Funding. The Bill has passed from the House Finance Committee with a split vote along party lines. The State is under mandate from the Courts and the Londonderry decisions made them address State education funding. This is the first time that they have really dealt with the issue in a methodical way versus looking at how much money is available and how they are going to distribute it. Last year they followed the Courts mandate and defined an adequate education. It is a document that is in Statute that they have passed.

The second step was to cost out the adequate education which is what they are doing right now. There is a difference between costing and funding. The Court didn't require a system for funding the education at this point but a system to cost the adequate funding. This was done like an accounting function as to how much it costs for each teacher, etc. versus what is available for funds and spreading it throughout the communities. The Committee came up with a cost which started with a term called 'base adequacy' which is the same amount of money that every school would get for a per pupil cost. The Bill went to the Senate and they started by creating a costing

Bill. Mr. Benn stated that the Bill consisting of the base cost (per pupil costs) plus differential aid for three items that they felt needed to be addressed as a separate number 1) poverty level, 2) number of special needs students and 3) ESL (English as a Second Language) students. Those three items had extra money added to the formula so the total amount of money included the base amount of \$3,450 and then the added amount of money came to \$4,900. This did not take into consideration the ability for Towns to raise the money that is needed to meet the requirements. The price of the adequate education is about 50% of the actual cost of educating children. Most States pay about 50% of the actual cost of educating a child and municipalities pay 50% on average across the country. NH up to this point has only paid about 20% of the actual cost of education, so this Bill will bring the State toward the national average of 50%.

Mr. Benn reported that the next challenge was determining how to distribute the money. The Senate created funding proposals that helped with fiscal disparity of communities and transition aid that would help communities that might lose money in the transition. It was the hope of the committee to come to a pure costing Bill and deal with funding next year.

The House Representatives were getting a lot of backlash from donor towns when they were first working on this. The Senate created spreadsheets designating how much Towns were going to get based on the formula that was established and they found that the Towns that brought the Claremont case forward were going to get less money. Therefore, they added the fiscal disparity portion to equal things out.

Chairman Walsh felt that there would be a different way of approaching it in allowing the Boards to decide due to the House and Senate's inability to deal with this.

Mr. Benn stated that SB 539, as amended by their Committee, stated that this Bill has nothing to do with funds for next year but the following year. The Bill won't get passed until the following June which will not be in time for schools to pass their school budget. The Committee proposed a 2 year transition period in which they have collared the existing funding at a certain amount for each Town and Towns that would be eligible to get more in the formula would be capped at 15%. They also set up two committees to determine 1) how the Board of Education is working – evaluation of existing methods of administration of education in the State and 2) looking at the fiscal disparity of communities to try to come up with a formula. The one element that was missing from the cost of commission was the size of the schools – small schools have a real disadvantage under these formulas. The disparity by size is a problem for rural versus urban schools. This committee will study these issues this summer. The amount of money to be raised by this is \$940 million which is \$120 million more than they are raising now. Mr. Benn wanted to point out that this Bill does not appropriate any money. This Bill does not solve the problem but takes them 2/3 of the way closer. The funding portion and ways to distribute the money is the next issue that they have to tackle.

Mr. Benn reported that there is also a Constitutional Amendment. There are a lot of people in the State and Court who believe that the only way to fairly distribute money in the State is to change the Constitution to allow for targeting funds. The Courts advise that they are allowed to target funds as long as this is above the adequacy level. The problem is that there is a fiscal

problem if they have to raise \$120 million more next year and they may have to look for \$200 million in cuts in their budget. A lot of the Representatives believe that targeting is a reasonable thing to do. The amendment before the Representatives is not the same one that came out of the Senate. The one that came out of the Senate was too open ended, it took the Courts out of the system and it didn't define how the State was going to pay for education. The Representatives established an amendment that has three elements (Rep Benn handed the proposed Constitutional amendment as it stands as of this date to the Board): 1) targeting, 2) Courts review not be diminished (same level of scrutiny over the Legislature in dealing with education funding as it has now) and, 3) the State's obligation to pay for the full amount of adequacy as defined. This allows targeting within 'adequacy'. The money can be targeted as long as adequacy is being met. This Bill requires 3/5ths vote in the House to pass. If it passes in the House, it will go to Conference Committee in the Senate.

Mr. Benn reported that HB 321 contains \$50 million in cuts that the Governor is recommending. Tomorrow will be a busy day and they will know more Thursday afternoon.

Chairman Walsh asked if the amount put in place for adequacy would be subject to inflation of the dollar as well as the number of students. Mr. Benn stated that there are inflators included in the Bill. Ms. Griffin located the CPI adjustment wording on page 7 of the Bill.

Chairman Walsh stated that he testified against the amendment last year. He would like to see a solution to this problem; there is a general will for targeting and a belief that it is reasonable and he feels that there is a tremendous distrust of the Legislature and the State's responsibility fell short of what the Town needs.

Chairman Walsh stated that a clear and honest statement as to what an adequate education costs in the State of NH sets the base for an intelligent statewide debate. Chairman Walsh commended Representative Benn and the other Representatives for the progress that they have made.

Mr. Benn reported that the Kindergarten Bill is contentious and although it doesn't affect Hanover, Mr. Benn is hopeful that it will pass and every child will attend Kindergarten.

The Board thanked Representative Benn for speaking to the Board. Chairman Walsh wanted to ensure that for future meetings and discussions, he would like to make sure that the School Board is invited.

**3. RECOMMENDATION TO SET POLLING HOURS FOR TOWN MEETING ON TUESDAY, MAY 13<sup>TH</sup>.**

**Vice Chairman Connolly MOVED that the polling hours be set from 7 a.m. to 7 p.m. on Tuesday, May 13<sup>th</sup>. Selectman Baschnagel SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO SET THE POLLING HOURS FROM 7 A.M. TO 7 P.M. ON TUESDAY, MAY 13, 2008.**

**4. DISCUSSION REGARDING SALE OF ALCOHOL AT FARMER'S MARKET.**

Chairman Walsh announced that there will be a Farmer's Market starting in the beginning of June, Wednesdays from 3:00 p.m. to 6 p.m. through September. There will be approximately 20 farmers bringing in fruits and fresh produce. There are two vendors that sell hard cider and wine and requested to sell these items at the Farmer's Market. Ms. Griffin noted that these sales would not be in violation of the open container ordinance if they are sold in sealed bottles and can not be unsealed. Selectman Baschnagel confirmed with Ms. Griffin that these vendors have liquor licenses to sell alcohol. Selectman Rassias stated that the Chamber was trying to get a feel for the impact on the area and so far it doesn't sound like it will have a negative impact.

Ms. Griffin stated that the focus is to support local farmers and producers. It's designed to be in keeping with the other farmer's markets. Sally Wilson who formerly owned the Norwich Inn has been hired to manage the Farmer's Market.

**Chairman Walsh MOVED to approve the Farmer's Market this year with a review and an understanding that it is to be local, small business farmer produced produce and not an outlet for regional and national goods. Selectman Baschnagel SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY IN FAVOR OF APPROVING THE FARMER'S MARKET THIS YEAR WITH A REVIEW AND AN UNDERSTANDING THAT IT IS TO BE LOCAL, SMALL BUSINESS FARMER PRODUCED PRODUCE AND NOT AN OUTLET FOR REGIONAL AND NATIONAL GOODS.**

**5. UPDATE REGARDING VACANCIES ON BOARDS AND COMMISSIONS.**

Ms. Griffin stated that she did recruit a member for the Advisory Board of Assessors but none of the other positions need to be filled at Town Meeting. Ms. Griffin requested that the Board think of candidates to fill some of the Boards and Commissions seats.

Chairman Walsh wanted to thank the Fire District Task Force and remove them from the list of Boards and Commissions.

**6. TOWN MEETING UPDATE.**

Ms. Griffin stated that she will be e-mailing the motions to the Board members but needed someone to move the Treasurer's position at Town Meeting. Vice Chairman Connolly volunteered to move this item.

Open House scheduled at the Water Reclamation Facility all day Thursday. Kevin MacLean can arrange for additional tours for people who can't make the Open House. There will be display boards with photos at Town Meeting.

- 7. BANNER REQUESTS:**  
- Hanover Parks & Recreation – 4<sup>th</sup> of July Banner  
- Farmer’s Market

**Selectman Baschnagel MOVED to approve the Banner Requests of Hanover Parks and Recreation and the Farmer’s Market. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY IN FAVOR OF APPROVING THE BANNER REQUESTS FOR HANOVER PARKS AND RECREATION AND THE FARMER’S MARKET.**

- 8. APPROVAL OF MINUTES:**  
- April 21, 2008

**Selectman Baschnagel MOVED to approve the Minutes of April 21<sup>st</sup> with minor corrections. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY IN FAVOR OF APPROVING THE MINUTES OF APRIL 21<sup>ST</sup> WITH MINOR CORRECTIONS.**

**9. ADMINISTRATIVE REPORTS.**

The NH Fair Tax Coalition is holding a meeting at the Library on Thursday night at 7:00 p.m. The Coordinators for the Tax Coalition will be on hand. They are hoping that some of the Board members can join the discussion and Ms. Griffin has a conflict on that night. Chairman Walsh has two conflicts for that night. Selectman Baschnagel will make an attempt to be there.

Ms. Griffin announced the two retirements taking place within the Town at the same time. Jim Stone and John Kapusta will have separate retirement celebrations starting at noon on Friday, May 16<sup>th</sup>.

**10. SELECTMEN’S REPORTS**

**Peter Christie**

Selectman Christie had nothing to report.

**Kate Connolly**

Vice Chairman Connolly reported that the Planning Board met and reviewed an issue regarding the Richardson farm in Etna with discussions on how to create a couple of lots for their children and then put around 100 acres into conservation. There was also discussion of reinstating the Rural Study Group.

Vice Chairman Connolly reported that the Planning Board would be reviewing the proposed hotel on South Street tomorrow night and the proposed Park and Ride on the Trumbull-Nelson property.

Selectman Baschnagel asked if there had been any discussions about joint efforts between the Town and the College on the Park and Ride project. Ms. Griffin stated that they have been involved in discussions to find a preferred access point to allow Town vehicles to get onto Route 120 from the Jesse's Restaurant intersection. Selectman Baschnagel asked about Town use of the lot. Ms. Griffin stated that they have not discussed this specifically but there were preliminary discussions with the College that this might be possible. Selectman Baschnagel stated that there were discussions that the Town spaces at Thompson would go away if they were added in this new area. Ms. Griffin stated that her understanding was that this new development was going to take the pressure off the Thompson Lot and this should be brought up before the Planning Board and the PTB.

Vice Chairman Connolly noted that the discussion tomorrow night will be for subdivision only.

Selectman Baschnagel noted that he assumes that the College would be looking at shuttle service and whether this would be shared by Town employees with shared costs.

**Bill Baschnagel**

Selectman Baschnagel reported that the GIS Committee will meet again on Thursday but Jonathan has gone through the files and there are over 100 files that might be usable and have not been looked at in a few years. Chairman Walsh noted that the Town made an investment in this over time, years ago.

**Athos Rassias**

Selectman Rassias had nothing to report.

**Brian Walsh**

Chairman Walsh noted that the Town Report was excellent and commended Penny Hoisington, Julia Griffin and everyone involved for their contribution.

**11. OTHER BUSINESS**

There was no Other Business reported.

**12. ADJOURNMENT**

**Selectman Baschnagal MOVED to adjourn the meeting. Vice Chairman Connolly SECONDED the motion.**

Board of Selectmen  
May 5, 2008

**THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING. THE MEETING ENDED AT 9:10 P.M.**

Respectfully Submitted,

Athos Rassias, Secretary

Minutes prepared by Elizabeth S. Rathburn.

**SUMMARY**

1. **Vice Chairman Connolly MOVED that the polling hours be set from 7 a.m. to 7 p.m. on Tuesday, May 13<sup>th</sup>. Selectman Baschnagel SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO SET THE POLLING HOURS FROM 7 A.M. TO 7 P.M. ON TUESDAY, MAY 13, 2008.**

2. **Chairman Walsh MOVED to approve the Farmer's Market this year with a review and an understanding that it is to be local, small business farmer produced produce and not an outlet for regional and national goods. Selectman Baschnagel SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY IN FAVOR OF APPROVING THE FARMER'S MARKET THIS YEAR WITH A REVIEW AND AN UNDERSTANDING THAT IT IS TO BE LOCAL, SMALL BUSINESS FARMER PRODUCED PRODUCE AND NOT AN OUTLET FOR REGIONAL AND NATIONAL GOODS.**

3. **Selectman Baschnagel MOVED to approve the Banner Requests of Hanover Parks and Recreation and the Farmer's Market. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY IN FAVOR OF APPROVING THE BANNER REQUESTS FOR HANOVER PARKS AND RECREATION AND THE FARMER'S MARKET.**

4. **Selectman Baschnagel MOVED to approve the Minutes of April 21<sup>st</sup> with minor corrections. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY IN FAVOR OF APPROVING THE MINUTES OF APRIL 21<sup>ST</sup> WITH MINOR CORRECTIONS.**

5. **Selectman Baschnagal MOVED to adjourn the meeting. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING. THE MEETING ENDED AT 9:10 P.M.**