

**TOWN OF GROTON
SELECT BOARD MEETING
December 21, 2010
7:00PM**

In Attendance: Miles Sinclair, Kyle Andrews, Christina McClay, Pamela Hamel (Administrative Assistant)

Audience members present

Miles called the meeting to order at 7:05p.m.

Miles made a motion to accept the minutes of December 14 as written, Christina 2nd, so voted, Kyle abstaining as he wasn't present at last week's meeting.

Robert Powell was here to discuss the dooamage fee he was assessed on his building. He stated that he does not know why he has been charged dooamage for 5 (five) years when the building is not finished. He got a permit in 2004 for the building and has been slowly working on it as well as doing some driveway improvements as he is financially able. He does not agree with the way Avitar has it worded that he falsely represented the status of his building. He agrees with the current assessment of \$23,000 as that is how much money he has into it. He maintains that it is only one room. There is no septic or running water. Mr. Powell states that he built the deck for friends to use to pitch their tents. He continued to assert that he should not be charged dooamage dated back 5 (five) years as the current structure did not exist as is five years ago. He presented the board with his building permit for a 20x26 tool shed which he got in 2004. He considers the building a tool shed, Avitar does not. When the assessor visited the property in April of 2010, he found a cabin with large deck. He did an interior inspection in the summer and lists the building as having one bathroom and one bedroom. It is only 55% complete on the interior thus Mr. Powell is receiving a 45% reduction on the assessed value which takes into account that the interior of the structure is not finished. Mr. Powell said he does not have a bathroom, yet he admitted that he does have a bath tub. Pam pointed out that the building permit is for a shed, not a cabin with a deck. Kyle mentioned that building permits are only good for two years. Mr. Powell said he did not know that. Miles showed him a copy of the spread sheet used to determine the dooamage amount, and asked Pam to explain how they came up with the amounts. She explained that the Assessor considers the building a camp, not a tool shed. Based upon the current structure, he would have paid close to \$600 more in taxes to the Town in 2008 and 2009 as he was only taxed for a shed during those years. The dooamage assessment is not for 5 (five) years but only includes 2 (two) years, 2008 and 2009. Because he reported that there were no changes to his property on his annual inventory, state statute allows the Board to charge dooamage, indicating that it shall be at 4 (four) times the amount of the taxes he would have paid had he correctly reported the changes on his inventory. Also, since he reported no changes in the structure since 2008 the assessor assumes that the structure in its current condition existed in 2008. Mr. Powell said it did not. He agreed that it is now a camp but that he uses it as a tool shed. He says he was not trying to hide anything or cheat the town out of any tax money. Miles discussed the inventory forms that Mr. Powell had submitted. He said the inventory is designed to address any additions, alterations, deletions, or improvements which are made to the land or to the interior or exterior of any buildings. Over the years Mr. Powell has finished the siding, installed windows, built a deck, etc. However, on his inventories he reported as follows:

- 2006 partially constructed 22' x24' tool shed
- 2007 22' x 24' outbuilding/tool shed
- 2008 driveway improvements, no building changes
- 2009 no changes to the property
- 2010 no changes to the property

Mr. Powell asked if he can pay the tax differences for 2008 and 2009 and not the doamage of 4 (four) times that amount. Miles explained that if the Board chooses to assess doamage then they must do so according to statute. He again explained that the reason doamage is assessed is because he did not report accurately on his inventories. Mr. Powell does agree with the assessment of the property but does not agree with these doamage charges. He asked how he could resolve the problem of the doamage amount as he does not have the money to pay this. Miles told him he can make arrangements with the Tax Collector. He is subject to the same statutory time lines and interest rates that apply to all property taxes. By law he can file an abatement by March 1 with the Select Board who will have until July 1 to respond. If his abatement is denied he can then apply to the Board of Tax and Land Appeals or Superior Court. Miles said that the building permits should say that they are good for two years but the fact that he does not have a current building permit is not an issue. The issue is that he falsely reported on his inventories. Christina told Mr. Powell that he should formalize his voice in an abatement process with the Town, and there are no fees involved. However, she has not changed her opinion regarding how he filled out the inventory form. Filing an abatement on what he is being assessed might provide some relief for him should the assessor find that he has been incorrectly assessed. At Mr. Powell's request Pam provided him with an abatement application.

Glen Hansen submitted a letter letting the Board know that he is no longer interested in proceeding with the process of taking the glass from the Transfer Station due to the stipulations set forth by the Department of Environmental Services. He is disappointed that he will not be able to save the Town the expense of the impending disposal costs as he was willing to take the material for free including the loading and trucking expenses.

Pam reported that she and her husband went out to look at the condition of Old Rumney Road. They both agreed that the ditches are larger than in the past. She admitted that they would not have driven a vehicle over them in the past and cannot do so now. However, they are definitely wider across than in the past. Marina Chase continued to maintain that she knows someone who drove over those ditches last year but is unable to do so now. Miles spoke with Charlie McCloud who is with the Rumney Snow Drifters snowmobile club. He said they place pallets in the ditches every fall in preparation for the snowmobile season and remove them in the spring. He is confident that there will be no problem with that trail. He found this interesting as it appears the property owner considers this a private road.

Kyle does not know how much more the Board can do if they do not have witnesses and proof that the road is in worse condition than before. Miles mentioned that typically, if the ditches are wider, then it would be easier for a vehicle to get through because if it is narrower the tires just sink in. Pam said it is difficult to determine the change in depth because it appears that the depth matches the trenches along side of the road. However, when they put those culverts in it appears that they had to build up the road some in order to get a sufficient amount of coverage over the culvert. When the culverts were removed they should have graded the road to make a more gradual entrance into the ditch. Miles also said that the company did not need to leave it so a vehicle can pass over it, only that it is in as good condition as before. If they are willing to do something, what are we asking them to do? Are we asking them to make a more gradual grading so the dip isn't so steep, or fill in so the sides are closer together? **Christina made a motion to ask Mr. Martin and any witness to attend a Select Board meeting to discuss the Road, Kyle 2nd, so voted.**

Christina asked if the Board should look into the classification of Old Rumney Road as the snowmobile club and property owner seem to believe that the road is private, not Class VI. Miles had mentioned to Charlie McCloud that the Town's records are not the best. Kyle mentioned that Deb Johnson from the Planning Board has been working on road classifications for quite some time. Pam mentioned that FORECO approached the Select Board for permission to work on Old Rumney Road because it is their understanding that the road is Class VI.

Miles recalls the Board requiring Glen Hansen to contact them prior to contacting Dorchester for Mutual Road Aid, not for when he must use his own vehicle for maintaining town roads. Kyle does recall the Board requiring this but he does not want to get a call in the middle of the night. As far as he is concerned Glen can let them know after the fact. **Kyle made a motion to have Glen notify the Board in a timely manner after the fact**

when he has to use his vehicle for town maintenance, Miles 2nd, so voted. If it is during office hours they would like him to contact Pam and she will contact the Board.

Christina will attend the Department of Revenue's Warrant Article training session. She will take care of her own registration.

The Board reviewed the 2010 funds to be encumbered. They have contracts for the remaining funds to be expended for Transfer Station monitoring and the purchase of the repeater and radios for emergency management. There is no written contract for the remaining work to be done at the North Groton Cemetery. The Board would like Pam to research the statute with regard to encumbering funds to determine the criteria that must be met in order for the Cemetery Warrant article money to be encumbered.

Miles made a motion to encumber any or all of these funds that meet the statutory requirements, Kyle 2nd, so voted.

Site Evaluation Committee (SEC) held a hearing on December 17 to try to finalize the remaining schedule for the process. An agreement was reached subject to the approval of the SEC Chairman. Intervener Cheryl Lewis asked if some of the tech sessions could be held in Plymouth. Attorney Iacopino and all Interveners present were open to this. Miles asked if they would be open to meeting at the Groton Town House. Attorney Iacopino said meeting at the Town House would probably be his first option. **Christina made a motion that if the SEC contacts the Town that we approve the usage of the hall, Miles 2nd, so voted.** If they do contact the office Pam will verify that no one else is using the hall.

Miles made a motion to sign the Timber Tax Warrant for Fligg, Christina 2nd, so voted. Marina Chase asked that in the future the Board let the public know the location of the lot cut. The Board agreed.

Kyle made a motion to sign the Timber Tax Warrant for Timbervest, Christina 2nd, so voted.

Christina made a motion to sign the North Country Council letter of support regarding their grant application for hazardous waste removal, Kyle 2nd, so voted.

Miles made a motion to sign the worker's compensation notice of compliance, Christina 2nd, so voted.

The Board set up budget work sessions for Tuesday, Jan 4 at 6:00pm and Thursday, Jan 6 at 6:30pm at the Town House.

About 15 children and 15-20 adults attended the Christmas party. Santa arrived on a horse drawn wagon. Mark Comeau provided music and Doug "Amoo" Riddle entertained the young people with 2 (two) stories. The Trustees would like to thank all who volunteered to make the party a success either by donating time or food.

Kyle made a motion to go into non public session pursuant to RSA 91-A:3, II (b & c) at 8:52pm, Christina 2nd, so voted.

Miles made a motion to return to public session at 9:32pm, Kyle 2nd, so voted.

Kyle made a motion to adjourn at 9:33pm, Miles 2nd, so voted.

Respectfully Submitted,
Pamela Hamel
Administrative Assistant