

TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN

Minutes of Meeting April 03, 2012

Present: Randy Morrison, Francis Muzzey, Steve Davis and Catherine Stover

Also Present: Chief Kevin Kay, Ellie Murray, Palmer Koelb, Duane Brown, Chief Jeff Ames

Francis motioned to open the Selectmen's Meeting at 6:00 pm, seconded by Randy and approved.

Francis reviewed a letter written to the Local Government Center (LGC) regarding adding Life Insurance for the Town Clerk/Tax Collector. Francis asked this is something new, or if we just forgot to put her on. The Administrative assistant stated that she has never been on it, and from what she could tell the Warrant Article stated "usual benefits". Selectmen signed the letter requesting the LGC to add Donna King on the life insurance plan.

Steve stated that the first order of business was in regards to his resignation as chairman of Board of Selectmen which was Friday at the Warren Wentworth Meeting. He said he would entertain a motion to entertain that motion. Seconded by Francis and approved. Steve said the next order of business was to nominate a new Chairman. Francis nominated Randy, and Randy accepted. WWAS mtg. Motion by Steve regarding his resign, seconded by fm and approved.

Randy stated they rec'd Timber tax for reports for Zarembo, Houston, and Gove.

Board discussed a mandatory, unpaid ½ hour lunch break for the Highway Department. Palmer stated that this is the second or third time we have visited the issue, and Randy agreed. Steve said he hopes it is the last.

Francis inquired if the office had sent a copy of a letter to Bob Durfee of Dubois and King. The letter is written by Francis on behalf of the Historical Society regarding the historical significance that may be adversely affected by the proposed construction of Evans Bridge. The AA stated she had sent Mr. Durfee a copy.

Selectmen reviewed and/or signed the following:

- Meeting Minutes of 03/27/12, 03/29/12 & 03/30/12
- Highway requisitions
- Request for Abatement from Tax Collector regarding Lamontagne, M/L 12-03-14
- Abatement request for American Legion & Cross Country's recommendation
- Avitar Assessor's Agreement for 2012

Francis stated that Terry Knowles, from the CTU will be here on April 25, to speak with the Librarian, the Library Trustees, and Selectmen, and invited Ellie Murray to attend. Francis stated that he will go to Grafton to obtain a readable copy of the Deed. He also stated that per Terry Knowles, we should wait on doing some of the cleanup at Riverside park, such as replacing damaged netting, and any play equipment. It is fine to clean the surface of the tennis court and remove debris that is laying about.

Selectmen approved the Highway Department to order the rarious piece of damaged guard rail which was done by Dead River.

Selectmen signed the check to the Trustee of the Trust funds in the amount of \$102,917.00. They also discussion the interest, which Ellie stated has now been correctly transferred to the general fund.

Chief Kay stated that he has the billing for Enfield Humane Society Services, and will be submitting it to be processed. They have applied for grant for OHRV, wheeled vehicle enforcement. Chief Kay also mentioned the scheduled Drug Take Back Day, which is scheduled to occur at the Transfer Station on April 28; from 10 am to 2 pm. Chief Kay also noted that they have received a complaint of older camper on East Side road past the old Town Hall. Selectmen stated that this is State highway. Steve stated he will contact the Kinnie's, and assist with the move. Chief Kay said that Joe is cleaning up investigations, there was an arrest made last night regarding some of the town burglaries. He also stated that the Selectmen will need to issue a license to the race track to operate.

Steve discussed the selection of an assessing firm. The Board selected Avitar for general assessing and utility assessment services. Steve stated he will sign the contract. Randy and Francis also signed the contract. The Board also signed notices to those firms that submitted proposals informing them of the decision.

The Board approved the Administrative Assistant to attend a class/conference presented by LGC, the Local Government Center.

The Board discussed the repair of Hamilton Field. Duane Brown was in attendance and spoke to the Board about getting the infield cleaned so the team can begin practices. Bobby Cass stated that he will donate his time this weekend if the Board will allow him to use the Highway Department equipment. Duane stated that due to his schedule, he is unable to lead the effort, but would be glad to assist when able. Palmer stated that John Comeau assisted last year. Steve asked if Randy would contact him. Duane Brown asked for summarization, that they have authorized John Comeau to spend up to \$3,000. Randy suggested seeing if the baseball coach would like to be the point of contact.

Selectmen discussed and authorized the repair of 3 culverts on East Side Road; one by Deans, one by Silvers, and one by Backstorms.

Kevin Kay addressed the Board as a citizen. Broadband: He has made inquires and was told that South Wentworth is one of the areas on the list for the build out but has not been engineered yet; and they don't know where engineering is. He encourages the Town to keep on FairPoint, and draft letters, to be sent out monthly letters. Board asked if Kevin would assist drafting.

Kevin also stated that North Dorchester Road is in deplorable shape. Who's going to maintain it? He stated that there is a 10 year plan, and North Dorchester is not even on it. It is the busiest road in town, and is crumbling, no tree trim, no ditching, and feels we must stay on their backs to repair.

Ellie addressed the Board, and stated that the new year has started up and Planning Board has always had an elected official on the Board. Francis has always been it, and they wondered if they would approve Francis being on the Planning Board. Randy made a motion that Francis be an ex-officio on the Planning Board for 2012, seconded by Steve and approved.

Selectmen discussed the American Legion abatement. Steve made a motion to grant the abatement, seconded by Francis and approved.

Selectmen approve the office to schedule Boiler cleanings for the Library, Highway Department and Fire Department.

Selectmen also approved for the Highway Department to attend training regarding Grading and Plowing.

Selectmen discussed selection of Engineering Firm in regards to the Dufour Bridge. Motion by Randy to use Holden, seconded by Steve and approved.

There will be a Joint Loss Management Committee Meeting on April 17, at 5:30 pm.

Palmer discussed with the Selectmen the grading of Beech Hill Road.

Motion to adjourn the meeting by Francis at 6:29 pm seconded by Steve and approved

Respectfully submitted,
Catherine Stover

Minutes accepted by

TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN

Minutes of Meeting April 10, 2012

Present: Randy Morrison, Francis Muzzey, Steve Davis and Catherine Stover

Also Present: Chief Kevin Kay, Ellie Murray, Palmer Koelb, Chief Jeff Ames, Steve Welch, June Garneau, George Morrill, Steve and Patti Welch

Randy motioned to open the Selectmen's Meeting at 6:00 pm, seconded by Francis and approved.

Selectmen reviewed and/or signed the following documents:

- Meeting Minutes of 04/03/12
- Highway requisitions
- Report of cut for King, M/L 11-7-27 & 11-7-34, OP# 11-475-12
- Report of cut for Koelb, M/L 05-08-06 & 05-08-27, OP# 11-475-26
- Report of cut for Boucher, M/L 10/4/12, 1-3-1, 10-2-3, OP# 11-475-23
- Intent to Cut for Green Acre Woods, M/L 04-03-07, OP # 12-475-01
- Intent to Cut for Camp Pemigewasset, Inc. M/L 04-03-06, OP # 12-475-02
- Intent to Cut for Palmer Koelb, M/L 05-08-06 & 05-08-27, OP# 12-475-03
- Intent to Excavate, King, M/L 05-04-08, OP# 12-475-01

Chief Kay gave a status update. They have received the posters and brochures for the Drug Take Back day, which will be held on Saturday, April 28th from 10:00 am to 2:00 pm. He will distribute posters and coordinate with Josh at the Transfer Station. Chief Kay said that Sergeant Joe is investigating a car brake-in that occurred in the village area. Also, they responded to a car trespass on the condemned bridge; someone moved the jersey barriers. He is working with the State, the state had to replace the jersey barriers. Chief Kay stated that the incident happened sometime over the weekend. Chief Kay also told the Selectmen that he has held off on taking the snow tires off of the cruiser, but will now take care of it. He said the cruiser is also in need of maintenance, as it is going through (burning) about a quart a week of oil. They also discussed the extended warranty.

Steve and Patti Welch were in attendance. Steve requested a status update of a property by him with abandoned vehicles. Francis said we have stalled. Steve stated that they are concerned about the vehicles because they are in a flood plain. The Selectmen stated that would like to have the office draft a letter for their signature that will be sent to the owner informing them that they must have the vehicles removed no later than May 1st or town will have them hauled out. Mr. Welch also inquired about the status of a property in which has taken the Deed, but the previous owners remain in the premises. Selectmen stated that our legal firm has requested documents, and are in process of moving forward, and will be filing through court. The Welch's thanked the Board for the status update.

George Morrill was in attendance, and inquired about the status of grading on Beech Hill Road. Palmer stated that they Highway Department did do some grading, but felt that they did not go down deep enough, and did not go all the way up the hill. Francis stated that he feels a letter needs to be written. The Board discussed the 2 day Grader classes that were approved for Bobby Cass and Paul Smith, on June 4th and 6th and stated that it is not optional, they are requiring that both Bobby and Paul attend these classes.

Francis shared with the Board that he has gone to Woodsville, has researched and obtained copies of the old Deeds related to the Town Library, and cannot find a basis for Terry Knowles' (of the AJ

CTU office) concern, but feels we need to listen. Terry Knowles is scheduled to attend a meeting with the Librarian, the Library Trustees and Selectmen on April 25, at 2:30 pm in the Selectmen's Meeting room. Steve requested the office send him an email reminder of the meeting. Francis stated that the deed specifically mentions the grounds around the library and the ability to play games etc.

Selectmen discussed the racetrack license draft. They asked if Chief Kay had reviewed it, which he stated he only very briefly looked at it. Francis stated that we need to date the original Ordinances to show the date of the Town Meeting. Steve requested that the office have our legal firm review the draft and they will review again afterwards.

Selectmen discussed selection of engineering firm for the Dufour Bridge project. They discussed the states requirement to notify the State of the Boards selection, and rating. The Board stated their decision was based on the fact that Holden's expertise was good, and their service.

Steve discussed the letter to DES in response to the Transfer Station site inspection report of February 1, 2012. Items noted in the report of concern have been corrected such as storage of oil, battery collection, storage of bulbs and thermometers, as well as a Operation Plan and Closure Plan. The Administrative Assistant inquired about the covering for the oil storage. Steve stated we need to order materials, and get a quote. Steve stated he will draft a RFQ.

Selectmen discussed an email received from Omer Ahern Jr. Mr. Ahern is scheduled to come to Selectmen's meeting on April 24, to meet and greet.

Randy asked Chief Kay for a status update regarding the trailer/rv on the corner of East Side road. The Chief said he will send someone out to talk to Carrol and will try to facilitate this week. Steve reiterated that he will help.

Chief Kay and Chief Ames discussed with the Selectmen that 2 trucks have been taken out of service. They are getting the old Wilton truck ready to go up for sale/out to bid. They are hoping to have sold by end of May. The second truck is a tanker that is a state owned piece, and this truck will go back to the state. The Board gave their approval for the Fire department to move forward on this. Francis stated his suggestion is that any monies received would go into the unexpended fund balance, and next year, he encouraged the Fire Department to use those monies to offset possible tax increase.

June Garneau was in attendance. June previously was employed by North Country Council, and now works independently. She brought informational copies for the Selectmen. Francis asked if she has a computed version of what was done before, and June stated that she has. Selectmen discussed the rights to it to the information, and stated that they would like a release of the digital information from North Country Council. June described the process of going through the old plan and meeting with various departments; Fire, Highway, Police etc. The office will request a copy of the 2009 Mitigation Plan from NCC.

Motion by Francis, seconded by Steve and approved to go into a Non-Public Meeting at 7:09 pm per **RSA 91-A:3, II(c)** – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. Selectmen discussed a request for welfare assistance. Motion by Randy, seconded by Francis and approved to come out of the Non-Public Meeting at 7:18 pm.

Selectmen have requested that the welfare applicants present additional information such as billings, income & debts before being able to make a decision on the request for assistance.

A motion was made by Steve at 7:25 pm, seconded by Randy and approved to go into a Non-Public Meeting at 7:25 pm per **RSA 91-A:3, II(c)** – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. Selectmen discussed a matter regarding a local business. No decisions were made. Motion by Steve to come out of the Non-Public Meeting at 7:29 pm.

Motion to adjourn at 7:32 pm was made by Randy, seconded by Francis and approved.

Respectfully submitted,
Catherine Stover

Minutes accepted by

**TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN**

Non- Public Minutes (1) of April 10, 2012 Meeting

Present: Randy Morrison, Francis Muzzey, Steve Davis and Catherine Stover

Motion by Francis, seconded by Steve and approved to go into a Non-Public Meeting at 7:09 pm per **RSA 91-A:3, II(c)** – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. Selectmen discussed a request for welfare assistance.

Motion by Randy, seconded by Francis and approved to come out of the Non-Public Meeting at 7:18 pm.

Selectmen have requested that the welfare applicants present additional information such as billings, income & debts before being able to make a decision on the request for assistance.

Respectfully submitted,

Catherine Stover

Minutes accepted by _____, _____, _____

**TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN**

Non- Public Minutes (2) of April 10, 2012 Meeting

Present: Randy Morrison, Francis Muzzey, Steve Davis and Catherine Stover

A motion was made by Steve at 7:25 pm, seconded by Randy and approved to go into a Non-Public Meeting at 7:25 pm per **RSA 91-A:3, II(c)** – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. Selectmen discussed a matter regarding a local business. No decisions were made.

Motion by Steve to come out of the Non-Public Meeting at 7:29 pm.

Respectfully submitted,

Catherine Stover

Minutes accepted by _____, _____, _____

TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN

Minutes of Meeting April 17, 2012

Present: Randy Morrison, Francis Muzzey, Steve Davis and Catherine Stover

Also Present: Chief Kevin Kay, Ellie Murray, Palmer and Deb Koelb, Derek Randall, Carol Friedrich, Lisa Minickiello, Travis Heath, Alan and Francine Monica, George Morrill, Donna King, Kenyon Karl

Francis motioned to open the Selectmen's Meeting at 6:00 pm, seconded by Randy and approved.

Selectmen review and/or signed the following:

- Payroll & vendor payments
- Meeting Minutes of 04/10/12
- Highway requisitions
- Letter to DOT regarding selection of Holden Engineering for the Dufour Bridge Project
- 2012 **Utility Assessment** Contract with Avitar Associates Services

Derek Randall was in attendance and discussed with the Selectmen a tax lien. Selectmen directed him to work with the Town Clerk/Tax Collector to resolve.

Alan and Francine Monica were in attendance and discussed with the Selectmen their concerns regarding the condition of the North Dorchester road, which they live on. Mrs. Monica stated that the condition of the road is ruining her enjoyment of living here in their log home. Randy suggested they contact the State, as the road is partially State owned. He also said he will speak with our Highway Department. Chief Kay stated that he has spoken with the state and they have plans of grading on top of the existing asphalt. Chief Kay reiterated that we need to be on the 10 yr plan, and it is a good idea to continue to speak to state about to insure that we are on the plan. Francis stated the Board will work with them to help correct the issues.

The Board also discussed the town roads. They would like to set up a working meeting with the Road Agent to discuss. Randy said he will talk with Bobby about the sweeping.

George Morrill was in attendance and asked about putting more gravel on Beech Hill Road. Steve said yes, which is why they want a working meeting.

Chief Kay gave a status update. The snow tires are going to be removed from the cruiser this week. He has spoken with the Animal Control officer about possibility doing general patrol which would include stopping and talking with residents regarding unleashed dogs. He addressed the issue of the trailer on East Side Road; he believes the trailer is on private land, and the road is owned by the State. Chief Kay asked the Board's permission for the Police Department to use the cruiser to attend the funeral of Police Chief Michael Maloney in Hampton. The Selectmen gave permission. Chief Kay inquired about the license for the racetrack. The office is waiting to hear back from legal. He also asked about the land being in current use - Sam Promotions (racetrack) wondering if they need to file for Current use now that they own it. Francis said no, but the Legion might need to.

Donna asked if the Board has permission to remove the tree by Deb Gelsi's. Selectmen said yes, they are planning on meeting with Bobby to hold a working meeting.

Steve asked about whether we have heard back from Ryezak with a quote of repair on the boiler. We are still waiting. Kenyon suggested contacting Irving.

Selectmen requested that the roof repair on the old postoffice/doll house go out to bid. Selectmen request that the job go out to bid.

The AA told the Selectmen that the Front door of the Town Offices is in need of repair. Selectmen asked the office to speak with Wayne Vlk. Randy also stated that 123 is the company that did the locks. The AA will contact both.

Randy asked about the credit application for Tractor Supply. The Road Agent has requested a credit card for Tractor Supply, as they do not invoice. Steve stated he will speak with Bobby. Steve stated he is ok with it, Francis stated he is opposed. Steve said they will discuss later.

The Administrative Assistant will be out of the office May 8 – 10. The Selectmen decided that the office will be closed for this week, and no Selectmen's Meeting will be held on Tuesday, May 8.

June 8th there will be an 8 hour Emergency Response Awareness Training for New Hampshire Health Officers to be held in Hooksett. Steve stated that he will attend.

Randy read the notice received from Dept of Resources & Economic Development stating that due to redistricting, the Town of Wentworth will now be covered by Ranger Steve Sherman. His number in Concord is 603-271-2214.

George Morrill stated that this Thursday, at 7 pm the Historical Society will have their 1st meeting of the season. Also, on April 27 the Baker Valley Grange, will have an award for citizenship in Rumney.

Randy motioned to go into a Non-Public Meeting at 6:53 pm, seconded by Francis and approved per **RSA 91-A:3, II(b)** – Consideration of the hiring of a public employee. Selectmen met with an applicant to discuss office support. Randy motioned to come out of the Non-Public Meeting at 7:03 pm.

Selectmen offered an office support position to Cynthia Campbell pending outcome of drug testing. This support position has been included in the Budget, and the Administrative Assistant does not anticipate exceeding the budgeted hours of support. The support position will be shared by Deb Vlk and Cynthia Campbell.

Randy motioned to go into Non-Public Meeting at 7:07 pm, seconded by Francis and approved per **RSA 91-A:3, II(c)** – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. The Selectmen discussed a welfare application. Randy motioned to come out of the Non-Public Meeting at 7:27 pm.

Selectmen decided to grant the request for support.

Motion to adjourn at 7:35 pm was made by Randy, seconded by Francis and approved.

Respectfully submitted,
Catherine Stover

Minutes accepted by

**TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN**

Non- Public Minutes (1) of April 17, 2012 Meeting

Present: Randy Morrison, Francis Muzzey, Steve Davis and Catherine Stover

Also Present: Cynthia Campbell

Randy motioned to go into a Non-Public Meeting at 6:53 pm, seconded by Francis and approved per **RSA 91-A:3, II(b)** – Consideration of the hiring of a public employee. Selectmen met with an applicant to discuss office support. Randy motioned to come out of the Non-Public Meeting at 7:03 pm

Respectfully submitted,

Catherine Stover

Minutes accepted by _____, _____, _____

**TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN**

Non- Public Minutes (2) of April 17, 2012 Meeting

Present: Randy Morrison, Francis Muzzey, Steve Davis and Catherine Stover

Randy motioned to go into Non-Public Meeting at 7:07 pm, seconded by Francis and approved per **RSA 91-A:3, II(c)** – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. The Selectmen discussed a welfare application. Randy motioned to come out of the Non-Public Meeting at 7:27 pm.

Respectfully submitted,

Catherine Stover

Minutes accepted by _____, _____, _____

TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN

Minutes of Meeting April 24, 2012

Present: Randy Morrison, Francis Muzzey, and Catherine Stover

Also Present: Chief Kevin Kay, Ellie Murray, Palmer and Deb Koelb, Kenyon Karl, George Morrill, Roderick Dupuis, Paul Hatch, Omer Ahern.

Francis motioned to open the Selectmen's Meeting at 6:00 pm, seconded by Randy and approved.

Selectmen review and signed vendor payments, a Septic Design by Barnard for Jared King M/L 05-07-06, the Meeting Minutes of 04/17/12.

Francis stated that he has researched and found a 1924 issue of the Warren News containing an article of the dedication ceremony of the Wentworth Library. Palmer stated that he wished to pay for the expenses related to obtaining a copy to hang in the Town Office. The Board approved.

Chief Kay gave the Selectmen a status update. The snow tires were removed from the cruiser last week. He also told the Board that there was a fire in town last Friday evening on Cheever Road. It was a 2 alarm fire and no one was hurt. He believes the home is a total loss.

Chief Kay reminded the Board that the Drug-Take-Back Day, will be on Saturday, April 28. The Drug take back day is country wide event sponsored by the DEA. Francis stated he had seen an article in the Union Leader. Chief Kay said that they find in a lot of burglaries, prescription drugs are targeted, stolen and used.

Randy said they signed 5 abatements applications, some approved, some denied. He also noted that the Board reviewed and signed a Report of Cut for Carlisle, M/L 08-04-10.

Roderick Dupuis was in attendance, and spoke to the Selectmen regarding the water which is removing his land. Francis said the issue might be beyond the scope of the town because it involves the brook, but felt that they should probably look into as the Town is losing land as well, as the river has changed its course. Mr. Dupuis said he is losing land, and cannot drive behind his house because he has lost so much land. Mr. Dupuis stated that he is paying taxes on land that he no longer owns. Palmer stated that while damage was done by Hurricane Irene, there has been an issue long before the Hurricane and suggested the Board to do what was needed to correct the problem. Francis stated the Board will begin looking into it, and encouraged Mr. Dupuis to come back in a few weeks. Ellie stated that when she looked at it, the cause of damage was due to Irene. The Board asked the Administrative Assistant to into it.

Paul Hatch was in attendance and stated that there is a task force that has been put together with DES and the Feds, looking at issues related to Irene and there are other towns affected. Paul stated that they have been having meetings around the state to look at what towns and residents can do. He suggested we contact Michael Poirier to schedule a hearing/meeting in this area regarding the Baker River issues which he said had been overlooked, and hopefully to answer some questions. He suggested talking to Rumney and Warren as well, and possibly using a bigger room; possibly at the school. Palmer suggested that Donna put a notice on her email when it's coordinated.

Paul Hatch addressed the board regarding the update of the Town's Hazard Mitigation Plan. Francis asked what we need to do next. Paul stated that there is no cost to the town, it is covered by grant monies. Francis made a motion to accept the grant from the State of New Hampshire for \$5,000.00 for the purpose of updating the Hazard Mitigation Plan, seconded by Randy and approved. The

Board signed the grant agreement and the Administrative Assistant notarized the documents. Paul told the Board that the Town will receive a confirmation letter within the next couple of months and he requested a copy of the minutes of this meeting be sent to him when finished.

Commissioner Omer Ahern Jr. addressed the Board. Mr. Ahern is a Grafton County Commissioner, of District 3. He thanked the Board for allowing him the visit. He stated that this is still Mr. Burton's district. Mr. Ahern gave a status of what's going on in the county. He told the Board the Commissioners have finished their proposed budget, and it will go to the Delegation on May 7. Although he proposed reductions in the proposed increases, the budget was passed 2 to 1 to provide to the Grafton County taxpayers an increase of 4.76% in expenses above last year. (this represents a 8.76% increase in taxes, or \$37,595,657.00 budget for 2013). The amount to be raised by taxes is approximately 21 million. This is an increase of approximately 1.7 million dollars. The Selectmen asked who else voted on this budget, and Commissioner said 2 other Commissioners voted in favor, Commissioner Raymond Burton and Commissioner Michael Cryans from Hanover.

Mr. Ahern also discussed private, Non-profit organizations which are getting monies from the County, Federal, and Towns. Commissioner Ahern stated that approximately \$522,000.00 goes to private, non-profit organizations such as Genesis, Pemi, Voices Against Violence.

Francis asked if the new prison is open now. Mr. Ahern stated that inmates will probably be moved in by July 1st, a lot of training happening in preparation of that date. He stated that there is an Open House ribbon cutting ceremony on May 6 and encouraged the Selectmen and Chief of Police to attend if able. He stated the Dept of Corrections budget is going up \$400,000. 00 and that there is an \$800,000.00 principle bond payment coming up on the new facility.

Mr. Ahern said the County has a good farm, they do well with the sale of fruits and veggies from the field and they have done well in the past with the sale of milk. He stated that the farm should be able to provide 90% of the food to the correctional facility. He also said they now have a laundry facility, which will allow laundry to be done in-house, rather than at the nursing facility, as they were doing before. He stated they do have a jail study committee.

He also discussed the prescription program, which helps residents that do not have prescription coverage, and left some flyers for the Town Offices.

Chief Kay talked about dispatch fees. Chief Kay spoke of the current billing system and discussed possible alternative options that would make it easier to budget for.

Mr. Ahern thanked the Board for their time and said he would like to come back again.

George Morrill was in attendance and asked the Board if there were any plans for a new fire station; wondering if anyone is actively looking into it. Ellie stated that there is a capital reserve set aside and they discussed properties previously mentioned as possibilities. Some parcels are no longer considerations, as the town no longer owns them, or the parcel is too small. One parcel mentioned, the Board said the owners were approached long ago about possibly selling, and they weren't interested.

Motion to adjourn at 7:36 pm was made by Randy, seconded by Francis and approved.

Respectfully submitted, Catherine Stover

Minutes accepted by

TOWN OF WENTWORTH NEW HAMPSHIRE
OFFICE OF THE SELECTMEN

Joint Meeting Minutes, Dept. of Justice, Library Trustees & Selectmen
April 25, 2012, 2:30 p.m.

Present: Randy Morrison, Cassandra Morrison, Nance Masterson, Ellie Murray, Kathy Keefe, John and Janice Thompson, Palmer and Deb Koelb, Kenyon Karl, Helen Ray, Sharon Sanborn, George Morrill and Catherine Stover

Also Present: Terry Knowles, Dept of Justice, Charitable Trust Unit

Sharon Sanborn motioned to open the Meeting at 2:30 pm, seconded by Helen Ray and approved.

Terry Knowles thanked those in attendance for inviting her to the meeting. She stated they had a question about the Library property that goes back years and years, and thought the easiest thing for the citizens is to talk about the Attorney General's opinion as to what this particular piece of property is designed to do. She stated that they do not hold the same opinion as our Town Attorney, and the Probate Court would have to interpret the will.

Terry stated that it is attorney Shawn Tanguay's opinion (she referred to his opinion in a letter dated Aug 18, 2011) that the Trust had "terminated"; that the Library Trustees no longer had the ability to enforce and she believes he feels that no one has the ability to enforce the Trust. Terry stated that when there is no entity to enforce a Charitable Trust, such as this one, the Attorney General enforces it. However she said when she and her director read the instrument left by Mr. Webster, it said that the Trustees of the Library would hold the Trust for 15 years, and at the end of the 15 years, the Trustees shall convey all the trust property to the Town of Wentworth and is to be held forever under the condition that it be a public Library. Terry stated that they believe that if it were the intention of Mr. Webster to terminate the Trust, some language would be found in the instrument directing that the Trust be dissolved or terminated, but they find no such language. She stated that the issue the AG office finds is that there is more than just a Library on the Library property. There is one town building and a park. She stated that the instrument contains a reverter clause, which would mean that if the Town fails to carry out the dictates of the donor, the descendants can come forward and claim the property.

Per Terry, the question becomes whether the town has done as directed with the property. Although we do have a Library, is the rest of the property available for the Town to use as it sees fit? The AG office is not sure that is the case. She stated that our legal may disagree with them, and ultimately if there is a question, the probate court would have to decide whether or not the entire property must be used for the Library.

Nance Masterson asked if this pertains to everything in the Trust, if every stipulation must be enforced. Terry Knowles said that the exact language is that when he conveyed it to the Town, including its successors and assigns forever, he said so long however and upon the condition, that the Town shall forever keep and maintain the property as a free public Library for the use of the public in the Town to have and hold said property. Based on this, the AG office believes, the property must be used for Library purposes. Nance also inquired about having athletic games, and card games, the number of Trustees, and that a certain number be from Wentworth. Terry agreed that this too, is a question because it is not repeated in his will.

Kenyon Karl asked Terry who attorney Tanguay was and who he represents. Terry said she believes he is the Town's attorney. Nance stated that he is in the firm and was assigned to them. The Library wrote to him, about one of the stipulations about forbidding certain Library activities.

Terry said that Gardner Fulton and Waugh in Lebanon, and was specifically asked about the status of the Wentworth Library Trust. She stated that he wrote a letter to her in her capacity as Assistant Director in Aug 2011. She reiterated that he gave 2 opinions and said that the Trust is terminated and also about the heirs of Henry and George Webster and their ability to have a reverter clause.

Nance also inquired about the park and the clean up, and the Fire Station being on the property, and asked what happens in order to go forward. Terry said this is an issue. She believes one issue the Town might want to address is the exact language in the Trust. She stated the Trust does still exist and the provisions might not be all the provisions that the donor had in mind, but he did say the property had to be used for a Library, and the town would be asking the court for a Petition of Instruction, which would give interpretation of the intent of the donor, such as whether all of the requirements still apply, including the prohibition of certain types of games, the number of Library Trustees etc. The second question would be whether the Library purposes apply to the entire parcel, not just erecting a building, but whether the restriction applies to everything. If it does, there would be encroachments – the Park, the Fire Station and the septic system.

Kenyon asked for clarification about an existing gymnasium downstairs. Nance said yes it was part of the original structure; a basketball court which included bathrooms and showers.

Terry addressed the issue of why this matters. When someone donates a gift for public purposes, when the Town accepted that, a contract was formed between the donor and the Town and is enforceable by the AG office and due to the reverter clause, also enforceable by the descendants. She suggests before going forward with anything further on the property, that we get an opinion of the court. Terry stated it is not an expensive thing, the court will look at and make a determination of the interpretation. She stated that their office does have templates that we can use when filing with the court, and it is only a suggestion, their office cannot mandate this on the Town. But at some point if a descendant comes forward, which they have seen in the past, they would have the interpretation of the courts. She said at that point it could be costly, and is more cost effective to deal with now, but is up to the Town.

Nance asked if the both the Selectmen and Library Trustees have to agree on this before moving forward. She says both should sit down together and decide together whether or not it is appropriate to ask the court to interpret the will.

She explained that Attorney Tanguay stated that in answer to the question of whether the Library Trustees have any legal status or ability to enforce the provisions in the Trust document to deal with the property, and he stated no, that he feels that the Trust terminated upon transfer to the Town. Nance asked if this means that the Trustees have no say over anything on the Library property, and Terry stated that as Library Trustees, they are governed by the law to spend any monies raised and appropriated for Library purposes. She stated that according to Attorney Tanguay, the Trustees have no authority to say anything about the remainder of the property. The question the AG office has is whether the Library purpose extends to the four corners of the property or just the footprint of the Library itself.

Janice Thompson stated that the issue came up and many previous town meetings, and because the Town felt it was going to be a problem, she said they simply ignored the Library Trust and everything to do with it and they did what they wanted to with the property. Terry Knowles stated this is seen in communities where they don't understand the Trust, that they believe it to only apply to the footprint of the Library, and the rest of the property can be used for other town purposes. She stated the AG office doesn't necessarily agree with that, but they are not the final decision maker, the court would be.

Ellie Murray asked about the reference to the transfer to the Town in 15 years, and whether that was so. Terry stated that, yes, they agree that the it states the property would transfer to the Town in 15

years, but there is no language to be found in the will that expressly states that the Trust would then terminate. She stated that is why the court would need to decide, they would review the documents, listen to input, and possibly require a notice be put in the paper to let any descendants know of the hearing so they too would have the opportunity to give input.

Janice asked if the descendants would have the ability to remove the reverter clause. Terry said no, the only one that could do that is the court.

Nance asked about the ability to proceed with the Park clean up from the Hurricane, if both the Board and Trustees agree to do things, is it possible to move forward. Terry stated that it would probably not be a bad idea for the Board and Trustees to get together to at least take care of what may be dangerous to park users and do clean up.

Kenyon asked about the limitations of recreational use regarding the property. Terry asked where the gymnasium was located. Nance said the building is 3 stories and the lower level is where they did the activities, there were showers etc.

Kenyon said he is wondering about the tennis court and basketball court down below whether they are on Library property and whether the paperwork allows for these activities. Terry stated this is one of the questions that would be for the court. She stated that the Town would most likely want to take the position that based on the language in the document, that there be allowed athletic games, that the basketball and tennis courts would be considered as such.

Janice Thompson mentioned that there was originally a tennis court right behind the Library. She felt the Historical Society may have some pictures of it. The Wentworth Wanderers had scrap books with pictures.

George Morrill asked Terry if or how the Trust would or could be terminated. She said this is a Perpetual Trust, and the only way to discontinue it would be a showing to the court that it was now impractical, illegal, or impossible, which is called a Petition for Cypress. Terry gave an example of a Trust left money to buy ice for the ice boxes of the poor. As we no longer have "ice boxes", the Trust language was modified to give money to low income people to purchase a new refrigerator, electricity or gas.

Sharon Sanborn asked about the court requiring a published announcement, and how long it must be posted. Terry said within the discretion of the court, they usually require 2 notices be run of usually 30 days, then go back to court and they decide what to do. Sharon asked if descendants could come back later with issues. Terry said no, and asked if any of the descendants are living in town. Nance said no.

Nance asked how long this process will take. Terry said you draft a Petition for Instructions and send them to the court, the court then attaches Orders of Notice (the action is actually a lawsuit brought against the Attorney General, and they do accept service by mail, which is cheaper than having personal service), the AG then has 30 days to file a Notice of Appearance, then an additional 30 days for the AG office to respond. After that, it would just be a matter of the court scheduling the hearing. She said at the hearing, the court will probably require the publication, or they might order it ahead of time.

Nance asked if there would be any issues in re-opening the park for use prior to going to court. Terry said that would be the Town's decision.

Janice stated that she felt that according to the Trust, the activities at the park seem to be in compliance with the Trust. Terry said that the court could say that a park is a recreational activity and that would be something that the Town would want to state to the court to rule on.

Palmer Koelb stated that he felt that if there were a tennis court and basketball court at the time that it was built that it would seem logical that the current tennis court and basketball court would be consistent with that use. Terry agreed, and felt that the Judge is a very common sense Judge.

Terry stated that she believes the bigger issue will be the construction of a town building that's not related to recreation on the property. Kenyon asked if anyone knew how old the Fire Station was. Randy Morrison said he thought it was 1950 something that they put it in, but he was not sure. Janice stated that John helped to build the newer Fire Station, but it was built onto one that was already there. She stated she was not sure if maybe the older one was not on Library land, and when the newer one was built onto it, it then may have extended onto the Library property.

Sharon stated that the Trust and all the land, which the Town now has a Fire Station on it, and now has a park on it, and is wondering if what now happens at the Park must be go through the Trustees because it is Library land? Terry stated that it is Library land, but the Trustee of the land is the Board of the Selectmen. Terry agreed with Sharon that all of the "Library land" at Riverside is the Town land, but said that it is with a Charitable Restriction on it. Which means this is land that was not taken by taxes, and is under the authority of the Selectmen, but the Trust is enforced by the AG office. The town owns the land with a Trust provision.

Nance then asked Terry if the Board should be sending people their way for issues that are related to the Park or if the Selectmen should be handling. Terry felt it would be best if both Board and the Trustees work together on issues, until they decide to go to court, or until something else happens. She stated it did not matter where they were to meet, but it would still be open to the public.

Terry gave a few possible scenarios. Scenario #1 - the court could say the only thing you need to do is have a Library on that footprint. Scenario #2 – the Library requirement and the recreational requirement extend to the 4 corners of the property and you should not have built a Fire House there. She cited an example of a town that had built a highway department on the land of the Library, and said in that case the portioned area of land beneath the highway department , was given an assessed value and that value was paid into a Trust for the Library property, leaving the highway building on its own.

Janice asked about the costs of going to court. Terry stated she did not know, the filing fee is about \$150.00 and they are willing to work with your legal, they have forms to help keep the costs down.

Randy stated they should meet with the Trustees and probably Shawn Tanguay.

Sharon made motion to adjourn at 3:14 pm, seconded by Helen and approved.

Respectfully submitted,
Catherine Stover