

Board of Selectmen  
Meeting Minutes  
June 13, 2017

Present: James Bailey III, Chairman; David N. Fullerton, Selectman; Jonathan M. Daley, Selectman  
Laura Buono, Town Administrator.

In Attendance: Thomas McClure, Michael Pon, William Merrill, Leigh Bosse, Joyce Bosse, Robyn  
Payson, Willis Merrill

Chairman Bailey opened the meeting at 6:04 p.m.

**1. THOMAS McCLURE RE: DOWNTOWN AND TAX ABATEMENT**

Mr. McClure expressed his thoughts on acquiring the old “Robertson Block” building (the yellow building on the corner of Bridge and West Main Streets) and the yellow building just behind it on Bridge Street. He suggested using the Robertson building as a senior center or town offices and removing the other building for parking. He also suggested either removing or moving the white house on West Main Street which is next to the Robertson building. He said the town needs to step forward if anything is to be done with the downtown. Chairman Bailey said a lot of town committees are looking at and working on improving the downtown but this is the first time he has heard this idea. He said there is a committee looking at building a senior center on town owned land on River Street. Mr. Bosse said the idea of moving the white building is not a new one. He said a previous owner had approved a plan to move the house to the parking lot (formerly a vacant lot) on the corner of Myrtle and Central Streets. He added Attorney Hatfield and he had suggested creating a through street using their parking lot to access Hoyt Lane for the future access to central parking in that off street area. Mrs. Payson said the town has already adopted RSA 79-E, which offers property owners tax incentives if they are interested in rehabilitating their buildings. She added that the Planning Board is also looking at a partnership between the private and public sectors, like the City of Franklin recently did. Ms. Buono said the Economic Development Committee has looked at moving the white building but found it would probably not survive. She added that Mrs. Payson will be speaking to the City of Franklin to understand how they were able to begin improving their downtown. She said the Board needs to establish a district in which the 79-E tax incentive would be applied.

Mr. McClure went on to his next topic which was the abatement he submitted on property he purchased on Contention Pond. He said the true market value of a piece of property is the amount someone is willing to pay and someone is willing to sell for. He said the property was purchased for \$65,000 and that should be the assessed value. Ms. Buono said the process for appealing an abatement is explained on the front sheet of the application. She asked if the assessor had contacted him prior to processing the abatement. Mr. McClure answered that he has not spoken to the assessor. Ms. Buono said no property comparisons were included with the abatement to explain why Mr. McClure felt the property was worth \$65,000, he only included the closing documents from his purchase which is not adequate. Mr. McClure said he feels the sale price is what the property is worth. Ms. Buono said there is a difference between market value, assessed value and appraised value and explained the process of valuing a property. Chairman Bailey said the avenue to go is to appeal the decision to the Board of Land and Tax Appeals or Superior Court.

## **2. OLD TOWN RIGHT OF WAY**

Mrs. Payson has researched the deeds, regarding this issue, all the way back to 1912. She said the road does show up on old railroad maps.

Selectman Daley said after going over the deeds they found that the width of the road changed. He has been told that deeds can't change the width of a road. He said the minutes of 1912 where the road was accepted stands and all the deeds can be ignored. He said the town needs a tight-of-way for water and sewer and the abutters need access but does it need to be a road. He added the RSAs are very clear that the Town can't maintain Class VI roads. He said town meeting could discontinue it as a road. Ms. Buono said if you discontinue the road the right-of-way stays. Mrs. Payson has a copy of the survey done by Family Dollar which shows the road based on the 1912 minutes but they said nothing was plot able. She read an email received from Attorney Christopher Boldt: "As we discussed, without proof of a discontinuance, the law in New Hampshire presumes that a laid-out highway per the 1912, Selectmen's record still exists. Even if the Town has not maintained the highway for more than the last 5 years, the highway still exists; but its classification has changed from Class V to Class VI by such lack of maintenance. If the Town wishes to completely discontinue the highway in the future, it can do so at the next Town meeting; but land owners which abut the highway would still have the right to use the area of the highway for access even after discontinuance." Ms. Buono pointed out that if the road is discontinued than the land reverts to Family Dollar as the road was laid out entirely on their property not between two parcels as is typical now. She asked if there was any reason the town needs this right-of-way other than to maintain water and sewer. Selectman Fullerton answered no. Ms. Buono asked if that is the case, why are we spending time and resources on a road which doesn't benefit the Town except as a right-of-way to maintain water and sewer lines? Chairman Bailey's issue is that the width of the road has been encroached upon by the Family Dollar parking lot. Mrs. Payson said if we don't need a road there and decided to discontinue it the right-of-way will still exist and always will. Mr. Merrill said it is a town road, was maintained by the town and has an affidavit from a former road agent that use to plow it in the 1960s and it was tarred 24 feet. He said you are talking about discontinuing a road with a residence and commercial land on it. He said his main concern is being able to access his commercial property by way of Henniker Street and to market his land as having access from a major roadway. Ms. Buono pointed out that the abutter is satisfied with all the changes Family Dollar did to correct issues with accessing their property and snow storage. Selectman Daley added that fixing the width at the beginning of the road will be minimal compared to the cost of upgrading the entire road. He added that the deed descriptions need to be corrected. Chairman Bailey said if a developer wants to upgrade the road to Class V then the road will have to be widened to its original 24'. Ms. Buono said she had made a suggestion previously that a letter be sent to Family Dollar informing them of this issue and putting them on notice that if the road was ever upgraded to a Class V in the future, that corner of the parking lot would be affected. Chairman Bailey agreed with the sending of a letter to Family Dollar making them aware of the situation. Mrs. Payson said Town Meeting would have to approve expending money on a survey because it is a Class VI road. Mrs. Bosse said if it is a right-of-way then its value would be taxable. Ms. Buono said we would have to look at the assessment card because it is only referred to as a road in the 1912 Selectmen's minutes. Mrs. Payson said when you do a survey you use deeds for reference if there is nothing in the deeds then it can't be your fault for not noting on your survey. She added that this issue goes back to 1912.

Ms. Buono again suggested sending a letter to Family Dollar stating that the Town appreciates the fact that they removed the curbing and light pole and making them aware of the issue with the width of the entrance to the road and if it is ever upgraded to Class V status, the pavement will be removed in order to widened the road to its original 24'. The Board agreed this would be the best course of action. Ms. Buono also suggested recording the notice at the Hillsborough County Registry of Deeds.

### **3. SIDEWALK PROCESS REVIEW**

Ms. Buono distributed a copy of the project agreement which has been reviewed and needs to be signed. She said after this is done we will be advertising for engineers. Ms. Buono suggested holding a public hearing in order to ratify the results of the voting of the postponed town meeting. She said it's not required but if the federal government came back in the future and wanted to see it, she would hate for the spending of this money for the project to be challenged. The Board agreed and she will be scheduling one soon. Selectman Daley made a motion to authorize the Chairman to sign the Transportation Alteration Program (TAP) Grant agreement. Selectman Fullerton seconded the motion. The Board voted all in favor.

### **4. PARKING REGULATIONS**

Ms. Buono said last year the Board went through the parking rules and made changes but no motion was ever made to adopt them. Ms. Buono said the parking permits have been ordered but the Selectmen should make a formal motion to adopt the updated parking codes. Mrs. Payson asked the Board for assistance with identifying some of the parking lots as they were labeled with the previous owner's name. Selectman Daley suggested labeling the parking lots using street addresses or better description. Selectman Fullerton asked if the police were going to enforce the new regulations. Ms. Buono answered yes and said that she and Ms. Payson were going to meet with the Chief to review the updated codes. Chairman Bailey verified that they are going to start with a soft approach using warnings first to help people get use to the new regulations. Ms. Buono said yes and said as of now it will be effective August 1<sup>st</sup> which includes the sale of parking permits at an annual rate of \$25 for overnight parking in the available parking lots. Ms. Buono said there will be a meeting with all the landlords and downtown business owners to inform them of the changes and to give them handouts for their tenants. Chairman Bailey made a motion to approve as amended as was discussed tonight, the new parking regulations. Selectman Daley seconded the motion. The Board voted all in favor.

### **5. APPROVAL OF MINUTES**

Chairman Bailey moved to approve the meeting minutes of May 23, 2017 as written. Selectman Daley seconded the motion. The Board voted all in favor.

### **6. MANIFEST MOTION**

Chairman Bailey made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll Check numbers 11743 – 11842 a/k/a Vouchers 22, 23 & 24 in the amount of \$237,312.80 (includes 192 direct deposit stubs) and Accounts Payable Check numbers 16602-16719 a/k/a Vouchers 22, 23& 24 in the amount of \$1,189,338.92. Selectman Daley seconded the motion. The Board voted all in favor.

\*\* A/P Checks include payment to HDSO in the amount of \$777,457.64

### **7. CONSENT AGENDA**

Chairman Bailey made a motion to approve the Consent Agenda for June 13, 2017. Selectman Daley seconded the motion. The Board voted all in favor.

- Cemetery Deed – Row 2/Lot D (Levesque)
- Tax Abatements (3 Mobile Homes approved @ 5/23/17 BOS Mtg.) in the amount of \$14,201.74

- Water & Sewer Lien Abatements (3 Mobile Homes approved @ 5/23/17 BOS Mtg.) in the amount of \$2,504.07
- Yield Taxes Assessed in the amount of \$5,873.18
- 2016 Abatement Request (taxable value amounts) – Map 5/Lot 136 \$41,600; Map 8/Lot 83 \$44,215
- Veterans Tax Credit Reversal – Supplemental #6A-2017 Gile
- Veterans Tax Credit Applied – Abatement #6E-2017 Gile
- Veterans Tax Credit – Map 1/Lot 31; Map 25/Lot 46
- Welfare Lien Discharge – Map 9/Lot 63

## **8. OTHER BUSINESS**

Economic Development By-laws - Ms. Buono had previously distributed the amended Economic Development Committee By-Laws to the Board for their review. Chairman Bailey made a motion to approve the amended Economic Development Committee By- Laws. Selectman Daley seconded the motion. The Board voted all in favor.

Library Trustees - Ms. Buono said the Library Trustees are recommending Michelle Prentiss as an alternate trustee for three years. Chairman Bailey made a motion to appoint Michelle Prentiss as an alternate Library Trustee for three years. Selectman Daley seconded the motion. The Board voted all in favor.

Woods Woolen Mills - Ms. Buono spoke regarding the installation of a new fence around the Woods Woolen property for a price of \$8,845 which will come out of the building maintenance capital reserve fund.

Balloon Festival – Ms. Buono reminded the Selectmen that the Balloon Festival is coming up and the parade is July 9<sup>th</sup> at noon. She said there will be a car for the Selectmen to ride in.

Saxton Partner Development – Ms. Buono said she was contacted by the Administrator for the Town of Hancock and apparently some residents there have just realized that a Wal-Mart is coming to Hillsborough and they are concerned about traffic. She also brought up the Conservation Easement on the site and said that although he thought the easement had been taken care of and was at the Attorney General’s (AG) office since the New Hampshire Department of Environmental Services (NHDES) had already approved it, Michael Black found out Hillsborough’s Conservation Commission had never commented on the easement. Now the Conservation Commission is trying to make changes to something NHDES has already approved by added and removing addendums. She said that the Planning Director and Mr. Black will be meeting with the Conservation Commission to try and straighten it out and answer any concerns they have.

Emerald Lake Village District – Ms. Buono said ELVD approached the Water and Sewer Department regarding their water issue and the possibility of connecting to the Town’s water supply. She said this would simply be to bring the water to Emerald Lake’s private system and they would be responsible for it from there.

Hillsborough Reborn - Selectman Daley attended recent Hillsborough Reborn Committee meetings because the Economic Development Committee had been invited. He noticed at the last meeting that Chairman Bailey also attended. Chairman Bailey said he is a member of that committee. Ms. Buono said if both want to attend, she will simply post that members of the Selectmen will be attending those meetings.

**9. ADJOURNMENT**

Chairman Bailey moved to adjourn at 8:33 p.m. Motion was seconded by Selectman Daley. The Board voted all in favor.

A true record.

Iris Campbell  
Selectmen's Secretary

Approved by:  
Hillsborough Board of Selectmen

Date: \_\_\_\_\_

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James C. Bailey III, Chairman

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David N. Fullerton, Selectman

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Jonathan M. Daley, Selectman