

TOWN OF GREENVILLE, NH
SELECTMEN'S MEETING
October 9, 2013
Minutes

5:30 p.m. Open Meeting

The Board opened the meeting at 5:30 p.m.

In Attendance: Chairperson Bergeron, Selectman Reardon, Selectmen Ste. Marie, Town Administrator Kelley Collins, Town Clerk/Tax Collector Kathleen Valliere, Building Inspector/Code Enforcement Officer, Scott Tenney

5:30 p.m. Non Public Session under RSA 91-A:3 at the request of Town Clerk/Tax Collector, Kathleen Valliere to discuss Souhegan Valley Ambulance

Chairperson Bergeron made a motion to go into Non Public Session under RSA 91-A:3, II (c) at 5:42 p.m. Selectman Reardon seconded. Roll Call Vote: Chairperson Bergeron - yes; Selectman Reardon - yes; Selectman Ste. Marie - yes.

Chairperson Bergeron made a motion to leave Non Public Session at 6:55 p.m. and seal the minutes. Selectman Ste. Marie seconded. Roll Call Vote: Chairperson Bergeron - yes; Selectman Reardon - yes; Selectman Ste. Marie - yes.

The Board of Selectmen has accepted Kathleen Valliere's resignation from the Board of Directors of Souhegan Valley Ambulance Service, effective October 31, 2013. The Selectman are taking the opening on Board of Directors under advisement.

The Board of Selectmen would like the Town Administrator to draft a letter to SVAS requesting budget information as well as an accounting of what SVAS has in savings or capital accounts for the replacement of equipment, including ambulance replacement.

6:15 p.m. Meet with Building Inspector/Code Enforcement Officer, Scott Tenney

The Board reviewed and discussed changes to zoning re: housing. Selectman Reardon feels that we should start somewhere. If that is having the Planning Board look at updating the Master Plan he feels that is a start. The Town Administrator suggested that this should be a multi plan approach including: planning, zoning, code enforcement, health, welfare and police involvement. Selectman Ste. Marie and Code Enforcement Officer Scott Tenney will discuss this with the Planning Board tomorrow night.

Discuss status of 2013 budget balance

Selectman Reardon asked Scott if he can keep a log of permit work done and what it pertains to. Chairperson Bergeron specifically wants to see time you get to the job, time you leave the job and what you did. He noted in the last week he has worked on: miscellaneous permits, (2) pole barns, (1) CO at 48 Hubbard Hill, cleaning up files upstairs.

Selectman Reardon asked Mr. Tenney what the outcome was for requiring Mr. Bouley to get a permit to replace his roof. Mr. Tenney noted that a permit is required for anything in the code book. He got a ruling from the Code Review Board and re-roofing is considered a permit-able use. Only ordinary repairs are not required to get a permit.

7:00 p.m. Public Hearing pursuant to the provisions of RSA 231:163 and RSA 43:2 for the purposes of considering amending all existing pole licenses to include language regarding taxation pursuant to RSA 72:23

Chairperson Bergeron opened the public hearing at 7:03 p.m.

The BOS received a letter from PSNH and read the letter into the record, as requested by PSNH.

The Town Administrator noted that we are amending our pole licensing on advice of legal counsel and our assessing company, based on ruling from Court that we need to notify utilities that their property is taxable under RSA 72.

Resident, Mr. Marshall Buttrick had a couple of comments 1) I think you should amend it so going forward you can tax them 2) The Court consolidated them to Merrimack County because Merrimack deals with business suits while the other Courts have other issues, as well as business to deal with. All the Courts got some of these cases, originally and 3) he would assume that the Town sends out (3) separate bills to PSNH, one for the lines along the roads including transmission lines; one for transformers off Mill Street – either as transmission lines or as land only as well as a bill for High Falls all the way back, down in back of Granite State castings. (for the longest time it didn't even show on the tax maps). The Board would like the Town Administrator to review what the town is billing and make sure it is accurate.

The Board left the Public Hearing open and went on to other business. (see below)

Old Business

Update on status of Livingston Road culvert project

TA has one permission letter and has made (2) calls to the other resident. The Board would like the Road Agent to go out and see if he can catch the residents at home and possibly answer any questions they may have so we can get them to sign a permission letter which would allow this project to proceed once we get the wetlands permit.

Review and discuss voided abatement and revisions

Chairperson Bergeron made a motion to adopt a one-time hardship tax abatement (to correct the motion/vote of June 26, 2013) for a resident on Granite Street. Selectman Reardon seconded. Vote: 3-0

New Business

Review and discuss tentative 2013 deed list, as prepared by Tax Collector

The Board reviewed the "tentative" 2013 deed list, as submitted by the Tax Collector. They asked the Town Administrator

Review and discuss 2012 audit management letter

Chairperson Bergeron made a motion to go into Non Public Session under RSA 91-A:3, II (c) at 6:50 p.m. Selectman Ste. Marie seconded. Roll Call Vote: Chairperson Bergeron – yes; Selectman Reardon – yes; Selectman Ste. Marie – yes.

Chairperson Bergeron made a motion to leave Non Public Session and seal the minutes at 7:00 p.m. Selectman Reardon seconded. Roll Call Vote: Chairperson Bergeron – yes; Selectman Reardon – yes; Selectman Ste. Marie – yes.

The Board of Selectmen signed a letter to the Treasurer. They would like the letter sent both certified and regular mail.

Review and discuss delay in setting 2013's tax rate

The Board reviewed two separate Information Releases from the NH Department of Revenue Administration. The first, dated October 1, 2013, states that the NHDRA will not be able to begin setting tax rates until November 7, 2013. Due, in part, to the issues brought forward by the NH Municipal Manager's Association the Department of Revenue and the Department of Education have worked together to amend that date to October 22, 2013.

Set a date to meet with Woodard & Curran and Utility Partners to review and discuss "draft" chemical piloting report

The Board will be meeting with representatives from Woodard and Curran and Utility Partners to review the draft, chemical piloting report on Wednesday, October 16, 2013 at 3:00 p.m.

Review and discuss 2014 budgets for Parks & Recreation and Building Inspector

These budgets were tabled and will be taken up after a discussion of the Highway Department Budget starting at 2:00 p.m. on October 16, 2013, time allowing.

Review and discuss setting a meeting date with Wayne Ives from NH DES re: his letter of September 19 re: the Souhegan River Water Management Plan

The Board has met with Mr. Ives before and is not ready to meet again until they have an opportunity to discuss the Water Conservation Plan project with Utility Partners.

Water & Sewer Application

The Board reviewed and approved and accepted \$3K for a new water service at the Dunkin Donuts site.

Selectman Reardon made a motion to return the \$3K check for sewer as the Dunkin Donuts site already had a pre-existing sewer hookup. Chairperson Bergeron seconded. Vote: 3-0

Public Hearing

There being no further public input, Chairperson Bergeron closed the public hearing at 7:40 p.m.

Chairperson Bergeron made a motion to amend the pole licensing as discussed (see attached for sample pole license). Selectman Reardon seconded. Motion passed 3-0.

Signature Folder

Review, discuss and approve payroll and accounts payable check manifests

The Board reviewed, approved and signed the payroll and accounts payable manifests

Review, discuss and approve minutes of September 25, 2013 Selectmen's Meeting.

The Board reviewed, approved and signed the minutes of the September 25, 2013 Selectmen's Meeting

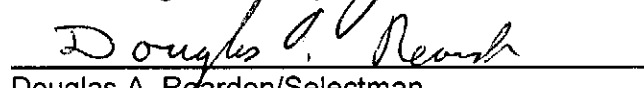
Adjourned

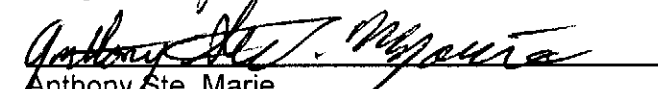
The meeting was adjourned at 8:00 p.m.

Submitted by: Kelley Collins/Town Administrator

Approved by:


Brenda Bergeron/Chairperson


Douglas A. Reardon/Selectman


Anthony Ste. Marie

TOWN OF GREENVILLE, NH

POLE LICENSE

To Public Service of New Hampshire:

We are in receipt of your Pole License Petition dated _____ and identified as PSNH #: _____ Greenville, to license one (1) pole(s), _____ located on _____ in the Town of Greenville.

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

ORDERED

This _____ day of _____, 201____, that, PUBLIC SERVICE OF NEW HAMPSHIRE be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE" No. _____, dated _____, 201____, attached to and made a part hereof.

In accordance with the requirement of RSA 72:23, I(b), this license is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity using or occupying property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, all property assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other entity using or occupying the property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity using and/or occupying property of the municipality pursuant to this license shall be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying the property of the licensor pursuant to this license.

TOWN OF GREENVILLE, NEW HAMPSHIRE

Brenda Bergeron, Chairman

Douglas A. Reardon, Selectman

Anthony Ste. Marie, Selectman

Received and entered in the records of the Town of Greenville, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____
Town Clerk

TOWN OF GREENVILLE, NH

POLE LICENSE

To Public Service of New Hampshire and Northern New England Telephone Operations LLC d/b/a FairPoint Communications – NNE:

We are in receipt of your Pole License Petition dated _____ and identified as PSNH #: _____ Greenville, to license one (1) pole(s), _____ located on _____ in the Town of Greenville.

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

ORDERED

This ____ day of ____, 201__, that, PUBLIC SERVICE OF NEW HAMPSHIRE and NORTHERN NEW ENGLAND TELEPHON LLC D/B/A FairPoint Communication – NNE be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE" and NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC d/b/a FairPoint Communications – NNE No. _____, dated ____, 201__, attached to and made a part hereof.

In accordance with the requirement of RSA 72:23, I(b), this license is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity using or occupying property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, all property assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other entity using or occupying the property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity using and/or occupying property of the municipality pursuant to this license shall be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying the property of the licensor pursuant to this license.

TOWN OF GREENVILLE, NEW HAMPSHIRE

Brenda Bergeron, Chairman

Douglas A. Reardon, Selectman

Anthony Ste. Marie, Selectman

Received and entered in the records of the Town of Greenville, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____
Town Clerk



**Public Service
of New Hampshire**

PSNH Energy Park
780 N. Commercial Street, Manchester, NH 03101

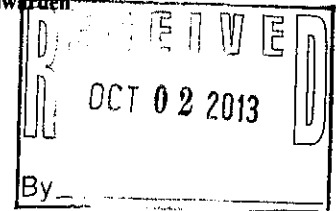
Public Service Company of New Hampshire
P. O. Box 330
Manchester, NH 03105-0330
(603) 634-2459
Fax (603) 634-2438

Christopher.allwarden@nu.com

The Northeast Utilities System

Christopher J. Allwarden
Senior Counsel

September 27, 2013



Board of Selectmen
Town of Greenville
46 Main Street
P.O. Box 343
Greenville, NH 03048

Re: Public Hearing – Notice to Amend Pole Licenses
Hearing Date: October 9, 2013

Dear Board of Selectmen:

The undersigned is legal counsel to Public Service Company of New Hampshire ("PSNH"). PSNH has received your notice of a public hearing at which the Town of Greenville will take up the matter of the amendment of existing pole licenses in the Town to include language regarding taxation consistent with RSA 72:23. This is to advise that, to the extent the proposed amendment seeks to make language changes to the pole licenses of PSNH consistent with the rulings of the New Hampshire Supreme Court in N.E. Tel. & Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) and Verizon New England v. City of Rochester, 151 N.H. 263 (2004), PSNH does not intend to raise a legal objection to the amendment. However, this should not be construed as a waiver of PSNH's rights to protest, seek an abatement of, or otherwise legally challenge as excessive or disproportionate the assessment by the Town of Greenville of any incremental property tax upon PSNH's use or occupancy of the public right of ways in Greenville, and PSNH fully reserves all such rights.

PSNH respectfully requests that this letter be included in and made a part of the record of the minutes of the hearing of this matter on October 9, 2013. Thank you.

Very truly yours,

Christopher J. Allwarden
Senior Counsel, Legal Department

cc: Leonard Gerzon, PSNH
Paula Vincent, PSNH