

Selectmen's Meeting Minutes
Monday, August 29, 2016

At the Selectmen's Meeting held on Monday, August 29, 2016 at 6:00 p.m. the following people were in attendance: Wendy Hersom, Mark Lufkin, and Peter Corey.

A motion was made, seconded, and unanimously approved to enter into non-public session pursuant to 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 this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

The Board adjourned from non-public session at 6:30 p.m.

Scott Burns, Cemetery Trustees: Roy Birard, Barbara Pinkham, and Maynard L'Heureux attended the meeting to discuss a situation with the Burns Cemetery. He wanted to make sure everyone is on the same page for the Burns cemetery that the upper line was for the Burns family. That is what he has been told his whole life and he wants to be sure that the top of the cemetery is the Burn's family plot. He wanted to come in to clarify. Scott said nobody seems to know when the Town actually took over the cemetery.

The plots across the top have always been for the Burns family. About 50% or more of the Burns have been buried there. Barbara asked if there was a marker? Roy & Scott said there are no records on it. Are there still plots available? Scott said yes. Barbara said we have considered the Burns cemetery to be full. Scott said he assumed it was full except for the section that is reserved for the Burns family.

Roy has minutes dating back to 1938, and the Town has always done the maintenance in the Burns cemetery. They replaced the fence and repainted and replaced the gates, mowing. The first person who died in Whitefield was a Burns.

Scott said that Tom Gage had asked his father for permission for Steve Gage to be buried in the Burns Cemetery and there is a Briggs buried there as well. He is just trying to clarify and find out. Barbara asked how many lots are open? A lot is generally 4x10. Scott said that the area is probably the half length of this room, 40 feet. Roy said if we don't have a record, then what do we go by? There is no record anywhere that we know of. The Town is not selling any of those lots. Scott's mother-in-law and father-in-law died recently, and they were buried in Burns Cemetery. This happened in the past couple of months. We have no record that the Burns owned this property and Wendy is wondering what we are asking. Can we still continue with the Burns family plots in the back row? Wendy said it is up to the Burns to prove their ownership. Wendy said that there should be some type of deed recorded for this if they do.

Peter asked if the Burns cemetery was wholly owned by the Town of Whitefield? Roy has a question on that. Roy said it seems like the Burns turned that cemetery over to the Town of Whitefield. We maintain it. Has anyone looked in the Registry of Deeds? Scott is going to try to look. There should be a deed delineating who owns it. The Coos County Registry of Deeds should be the first place to look. There should be documentation to back that up.

Scott is guessing his great-grandfather, McMaster Burns was the first one who owned that property, he had owned some cabins in that area. Wendy said the Registry of Deeds doesn't go back that far on-line. Richard Wright said that Edgar Cormier told him that the Town took ownership of that cemetery years ago. Roy said Edgar doesn't know any more about it than the trustees do.

Are we talking the town taking over ownership or maintenance? If we have sold plots out of it, there is mostly Burns family that is buried there. Scott did not pay for any of those lots because he believes that everything there is family. The Town maintains the entire cemetery.

Wendy said someone has to go to the Registry and see what they can find out. There may be some reservation for the Burns family in the deed. It would be helpful to know.

Roy said he started this when he asked Scott about his in-laws being buried up there. Mr. Ladd said it was not uncommon practice to sell family lots. Four plots and he just had to hold up the deed and make the necessary arrangements. There may have been some purchases made at some point. There should be a transfer of ownership somewhere. Land has to have a deed in order to transfer ownership. Even it was donated it has to have a deed.

Roy said he just went through this with the Harris family, and he had to look up a plot in the cemetery. It is recorded, and Roy got the deed. Wendy said someone has to do some research in the registry. Barbara said let's say we don't find anything. Do we still want the town to maintain the cemetery or are you saying we don't have to maintain it? Scott is just trying to figure out if he has plots for the Burns family. Wendy said we can't be responsible for 300 people. There is a limit. We just have to determine what it is. Scott said he would start researching at the Registry of Deeds.

Wendy told Roy he can have the loam at the airport. Just let them know when he wants it.

Martha Hardiman said a couple of things. One is the municipal parking lot. When we put the vegetative buffer in, there was landscape ties. They eventually rotted out, and were never replaced. Martha said that people park there and they pull in so far they are killing the trees. Mark said it was supposed to be addressed a few years ago, and Mark said he believes Shawn was going to put the railroad ties down. Peter said he went down and looked at the lot, and the ties create a problem when they are plowing. Peter said he looked at those trees, and there is nothing attractively landscaped there. It is not mowed or maintained. Peter said it is all overgrown. Peter thinks it would make more sense to remove the trees that are there. Peter said he feels we should speak with Shawn to remove the trees. Martha said they were promised a vegetative buffer when the town municipal lot went in there. Do the railroad ties hinder his plowing abilities? Martha said the ties were there and they were supposed to be there. The

vegetative buffer is being compromised because of that. One of the other trees came down in the parking lot and there is a lot of debris.

Martha said it would be in the town's interest to look in to developing an ordinance for the removal of garbage trash. Martha said we have a new owner at 30 Elm Street, and he has not removed the trash for 5 weeks. She said she spoke with Jay. We have a tremendous amount of buildings in town with tenants.

Martha said in Littleton if they don't want to go to the dump, Whiting's will pick it up. Lancaster has curbside pick-up. Martha has someone come remove her trash once a week. She said it is really disgusting now. Martha said there are many apartment buildings in town, more than other towns. 99.9% of the people in this town who own rental properties have a dumpster that gets dumped regularly. He doesn't bother to go the dump.

Chester and Janet Savage attended the meeting to explain to the Board why they filed for an abatement. Several years ago we purchased 14+ acres on Old East Road. At that time when they did their subdivision they asked Tim Sutherland how many lots they could do, and he said two. Chet said we have 982 feet of frontage, why only two lots? Because of wetlands, ledge outcropping and poor soils. They did a subdivision granting two lots. Chet owns one of the lots, and that is what they are applying an abatement on. They sold the abutting lot which brought this lot under 10 acres. He believes the assessed value is too high

According to the law if the person disagrees with the current use penalty, they pay the bill and apply for an abatement. He hopes we can come to an agreement so we don't have to go to court. The Board reviewed the letter from Mr. Savage as well as Jason's response. Chet said basically he stipulated what he feels he should be paying for a current use penalty and also what our assessor thinks he should be paying. He has been in the land development business for 30+ years. He had a similar case in Groveton. About a year ago he spoke with Jason at the Jefferson dump, he asked about the 7 acres in Whitefield. If he sold the property for \$30,000, would he be assessed for \$3,000? On July 14, he gave his explanation why he assessed the property for the value he did: A portion of the property was logged and cleared over the past year or so and it is pretty clear that any new development would be on this part of the lot rather than the previous trailer location that was out of current use close to the road. He also stated in this case the land use change tax area is likely to become the developed part of the lot, and the area could actually be a stand-alone parcel itself based on the size and frontage. Chet said they feel that you can't tax someone based on where somewhere might build. Chet said making a statement like that is like predicting the future. How would you like to be taxed on the future and not on what you are using the property for today? Chet said he is basing his assessment on that the land is sub-dividable. He has been in this business his whole life. From the start, it was two lots and that is all they applied for. That is our business so we got two lots. Now he is saying he is basing his evaluation that he could sub-divide this lot again. If you have 200 feet of frontage and a 2.00 acre lot that is a start, but you must go through the State of New Hampshire for subdivisions under 5 acres. Soils is the number one thing, there is a lot of wetlands and there is no indication of ledge outcroppings, but they are all over this property and that is why they only got one lot out of it and Chet disagrees with this statement. The one acre is never going to stand alone and the

remaining acreage of 6 acres is never going to stand alone. The lot is never going to stand alone. Chet said this land was disqualified from current use, and he owns a 1 acre building site with 6.1 acres of back land. Other appraisers have treated this situation as back land, and they appraised it whatever it was over and above the existing. They have been paying taxes on the \$20,000 for that once acre. They have been taxed on that and previous people have been paying that as well. You just can't ignore that fact. Please tax me on the property the way it is being used today and not in the future. 1.00 acre on the front of the lot is buildable and he has 6.1 acres of back land.

We are already paying for non-current use value on one acre and Wendy understands what they are saying, and they are not getting credit for that. It is being taxed as it is a stand-alone lot, and it is not a stand-alone lot. He is taxing them on what may happen. They had it logged and paid their timber taxes. They are only arguing the current use penalty. They feel the penalty should be \$920 rather than the \$2,000. The Board agreed with Mr. & Mrs. Savage and reduced the current use penalty to \$920.

Department Head Meeting

Ed Samson, Police Chief, said Eoin started back today. Pat starts back at the school this week and is teaching in-service classes for the active shooter with the assistance of Jake Pelletier from Lancaster this week. They attended the ALICE training. Budget-wise we are on track. We did replace two computer units, which was budgeted for. We are in a good place with computer units. We want to upgrade our computers to integrate with IMC. Plan is to take what we would spend on replacing units to upgrade our log to IMC next year. Ed talked with Shawn about winter tires, and he is going to look into that. Building wise the A.C. unit got installed and it has made a huge difference. Shawn is working on the signage to direct people in the building. Ed said regarding P.D. staffing, he talked with Eoin today and it has always been a problem with the competitiveness of other departments trying to hire him away. It seems like a lot of agencies are hiring and have very appealing sign-on bonuses. We are in a good spot, but use that as an example moving forward to stay competitive with salaries so we don't lose people. Every town is dealing with it. Budget season is coming up and that is something we have to address. The EMPG grant, we resubmitted and that grant should be finalized and that is the \$40,000 grant for the building. Emergency operations planning is starting back – the 14th at 9:00 a.m. here. Peter is not going to be around that day.

We have had issues with parking here when we have meetings at night with large attendance, and he feels we should have some lines marked out so people know where to park. The other big thing is to block off the fire departments with cone when we know we might have a lot of people at a meeting. Mark said this lower lot was supposed to be worked on this summer, and that will help the situation. We need to set up lines. He has the ability to do the lines. This was the first coat of pavement, and it needs another coat so were holding off on the lines. If we know for a larger meeting, coordinate with the P.D. and Highway to block off that fire side.

Peter asked Ed if he has gotten in touch with Mr. Diego, as he wants to help the Department with some purchases.

September 13th is the next election day.

The Board met with Terry & Josh Welch and Fred Ingerson. In terms of the Water Department we have to have a licensed operator until we can come up with a long-term replacement. If Welch did that for us, what would they charge us for running the water system—Terry said he is a resident, and they are cheaper than anyone else. Terry said we want Fred to succeed. We want support in terms of water and wastewater. Wendy said that we need is to identify a rate so we can figure out what we are going to do. Terry said that they are high risk, insurance wise, that is why their rate increased so much last year. They can do it for an interim until town meeting and we can hang their license, and if he needs help we can charge him for any time we put in. An amount per hour, \$50 an hour. \$750 a quarter plus \$50 an hour if they come out. They need to come in and go through and see how it works. They need Josh to go around with Fred and review the water system so we can have an understanding of the pumps, etc. Wendy asked Terry if they would they be looking at changing things, and Terry said that they have to take a certain amount of steps instead of jumps. They would want to make recommendations. It would be a process to go through to get that to happen. There are a lot of steps they have to take to make these jumps. Peter is fine with Welch. Peter made a motion that we contract with Welch's Water & Wastewater to provide us coverage for the Whitefield Water Department until we find a permanent solution at a rate of \$50 an hour, \$750 a quarter retainage, and initially two days of \$50 per hour to get familiar with the system. Terry said that they request that we educate the gentleman we have. Wendy seconded the motion. The motion was unanimously approved.

Terry said the Wastewater Department did the experiment in the lab everything said we should be able to go down to less than 1. They are using the 02 or we would have had the odor problems. The last analysis we had dropped 50%. As far as building a brand new treatment plant, the best thing we can do is go with the Asset Management Program grant. That program will help us identify every problem we have. Judy said Jon Warzocha from Horizons Engineering said he can put the application together for us to submit.

Josh and Terry said that there are no big emergency issues at the plant as of today. Dehumidifier just got hooked up today. We need to get those lights hooked up. We will have to get someone else to come over if Davis can't come hook it up. Peter said there are other electricians. The dehumidifier is working good. Terry said we need a new heating system.

Marsha Lombardi asked since our infrastructure is in such bad shape – can we handle this new proposal of the Morrison nursing home senior living facility with 100 additional units? Terry said he would change the sewer ordinance and make commercial and industrial permits so they would have to do their own testing, measure their own flow, and if they go above and beyond and throw stuff down the pipe, and it messes up the system and the pumps, then you have the right sewer ordinance, then you can shut them off.

Peter said he toured the Treatment Plant facility, and he visited the Morrison, and the Morrison is not using that type of catheter that is being flushed down the sewer system. There aren't too many places that can be handling it.

Marsha asked with the facilities we have now are we capable of handling this large unit being proposed? Terry said at this point we are not capable. We have been violating VODs during the

winter. We are border line in the winter. There are no lagoon systems with shapes like this. There are dead zones. It is hard to get a plug flow.

Mark Lufkin said that was not what was originally said by Terry when the Morrison was going thru their planning board approval process. Terry said that he didn't see anything across the street and he asked Steve Lafrance to look into it. This was all approved by the planning board. Mark said there was an agreement for a \$70,000 aerator. They haven't paid anything yet because the project hasn't started yet. Wendy confirmed that this \$70,000 contribution was for the project across the street nothing to do with the expansion at the Morrison. Terry said we don't want to go back in to that zone because the State will start pushing us. The 02 proves successful- we made it work. Terry said that it has already been said and done, and when the new system comes in, they have to have documentation what Steve estimated is real. Just like what the system is designed for – we monitor and report that it is functioning at its capabilities. We have a new fine bubble aeration system – we don't have the new blowers and we need them. The \$70,000 was for a new aeration system. We will have \$70,000 to be used when the construction starts. Terry said he has run in to this in other towns. Marsha said \$70,000 is not much, and Terry said it is not. The town is looking at having to redesign and construct a new facility. Steve said they would be sending 1600 gallons a day. That has to be proven, and not just taking their word for it.

If the Planning Board has approved it and if there is a problem and it costs the taxpayers money, would be the users or taxpayers to pay for it. There is not a clear answer on that. Edie thinks it would be more with the sewer. If the cost of the sewer goes up, it goes to the users, and if it goes beyond that then what?

Edie said 1,600 gallons a day is not a lot. Roxie said we compared with what Steve did the work for them. It is not much more than at their current site – 81 residents and 100 employees. At this other site 83 to 100 residents and 33 employees. We were considerably less than what they use at the nursing home. We need to nail that down with actuals. They have technology today with flow meters, etc. You can't have actuals until it is there. Terry said yes we can handle it as far as the flow as we are not at 80% of design. We have a strong effluent and not extremely high but there is a lot of food waste. It takes a lot more bacteria to break that stuff down.

Fred has a hydrant list and figures out what ones need work and what ones don't work. Wendy asked him to give the list to Judy. He had the highway do a pre-inspection on the water truck. It is not going to pass inspection. He is checking on prices and getting quotes for vehicles. There are still a couple more he wants to find out about. He needs a new truck by the end of September. Wendy asked Fred to put together some proposals with a couple of options for our next meeting on the 12th.

Roxie Severance, Administrator at the Morrison Nursing Home along with their attorney, Attorney Anna Barbara Hantz of Sheehan Phinney attended the meeting to give the Board of Selectmen more information on the proposed Whitefield Senior Living Community, Charitable Property Tax Exemption.

Reached out to the town attorney not authorized to have the conversation with them – take the facts applied

The Morrison, a New Hampshire non-profit corporation is seeking a charitable exemption from property taxation for a proposed 83-unit senior living community to be known as “Whitefield Senior Living Community” located at a65 Littleton Road in Whitefield, New Hampshire, which will be a sister campus to the Morrison’s current facility. The Morrison intends to have the 83 total units made up of 14 cottages, 33 apartments, 24 assisted living units, and 12 Alzheimer’s memory care units. In order to make the project financially feasible, the Morrison is seeking a charitable property tax exemption under NH RSA 72:23, V.

Attorney Hantz said they have done a pro-forma and want to keep the living units affordable- there is a loan qualification here in terms of income levels, targets in terms of pricing but no set requirement if you will. We will do questions at the end of the presentation. This is something Towns deal with.

There is four criteria that must be met in determining if the institution qualifies for a charitable tax exemption. The first is whether the institution or organization was established and is administered for a charitable purpose. The Morrison is a 501©(3) non-profit corporation. They have submitted their Articles of Agreement which spell out their charitable goals, including operating a hospital and nursing home, accepting donations for the hospital and nurse training, and to conduct business related to those endeavors. They will continue this with their assisted living facility. The focus is on the organization as related to this project. This project has been funded through the USDA Rural Community Direct loan fund and they don’t approve projects until they certify that the project has a charitable mission and meets the charitable requirement under their loan funding. Besides providing needed medical and community services to the elderly in the North Country, the independent living facility will have below-market rate entry fees providing affordable, handicap-accessible housing as well as supportive health and aging services. The Morrison has been able to do this with various funding source and have been able to keep the entry fees very low, 10% below of what some continuing care facilities in the southern part of the state charge. Most of the patients at Morrison are Medicaid patients. The Morrison provides them the same level of care it affords to every other patient, even though the cost of providing that care is far higher than the Medicaid reimbursement rate. In effect, the Morrison donates this difference to the community, amounting to over \$7 million over the past five years alleviating the burden of providing such care. This care benefits the entire community.

The new community will have handicapped accessible units. The Morrison was established to perform a public good and this project is a continuation of this. The Morrison meets the “obligation” factor. The organization can’t just come in and say they are going to do this. They need enforcement procedures in place to ensure they fulfill their mission. The Charitable

Division of the Attorney General's Office can require the Morrison use their funds to fulfill their mission. They will have contracted obligations for people from the north country. The WSLC serves the Morrison's charitable purpose by providing housing, health and support services to an elderly and aging population. If it did not provide this public good, it would not have been approved by the USDA.

The land is actually being used for the charitable purpose. This comes up a lot when some acreage or buildings are not used to fulfill the charitable purpose and does not qualify for a charitable exemption use for the mission and for the project. This land will be used specifically to build the units and provide the service as provided in the mission. No question the charitable purpose is being fulfilled. This entire property will be for the services for the residents and folks in the north country. Any of the organization's income or profits can only be used for purposes for what the project is established for. There is no diversion of profits. That is their general guidelines. Copies of the narrative application to the USDA were provided to the Board of Selectmen. The reason we are here is that we are looking for action on behalf of the project, this project stated more than two years ago. There is documentation that shows there was discussion not only about the sewer, but also the tax exemption and discussion of the PILOT and funding for town services. There has also been a feasibility done on services that are not used. A lot of charitable enterprises enter into these PILOT agreements.

In 2014 in order to get certainty, Morrison was in and an outline of a potential agreement discussing the sewer and also the idea a PILOT would be appropriate when the project was up and running and 80% occupied went ahead and got planning board approval in July of 2015. They are ready to begin and one remaining uncertainty is the tax exempt status. We need to determine how the pro-forma and operating

How is it charitable if you can only get in to the facility if you make \$60,000 to \$70,000 a year?

The timing of doing this now is to make the commitment to move forward with the project. We have the contractor for the project here tonight and board members here tonight so any information needed can be provided.

The charitable exemption is defined by the statute. This project will provide health services to the residents and to the community at large. This facility is providing a housing need for the public, assisted living and takes folks off a municipal burden providing care that otherwise might not be available. The public is invited in to participate in programs and health-based programs.

There is a combination of mechanisms to determine the rental rates. There will be a fund incorporated in the pro-forma. It is a total picture. There will be some people paying full freight, some who are not. The Charitable purpose is aging in place for an aging population with supportive services for the elderly. It has already been determined as a charitable purpose in the ElderTrust case.

If the Board has any questions, we have people to speak to various aspects here with us tonight.

Wendy has a couple of questions:

One of the things we are struggling with is we believe Roxie did say you had to have an income of \$60,000 to \$70,000 to get in to the facility. That was a target in terms of the cost of services. You have your unit rental and services that go with it and you have a target for the bundle of services cost. There is no income qualifier. This is what the pro-forma anticipates and what the financing anticipates, but you look at each individual separately. It is not a sliding fee scale- frankly you are doing it with subsidies. You are making it work with subsidies. Details of the pro-forma need to be done at a non-public session.

The mechanics of the financing is not part of the legal analysis in terms of whether it qualifies for a charitable exemption.

The USDA is requiring this to be available to people with moderate incomes. The charitable purpose is to serve the aging needs regardless of ability to pay. It isn't defined by the fee for service in specific cases. Can the organization provide the service? Wendy said the struggle is there was the mention of that \$60,000 to \$70,000 income range, and there are families with children living in Whitefield who don't even make \$40,000 and are trying to pay their property taxes. Marsha said no one in Whitefield makes \$60,000 to \$70,000. Marsha said she feels this project is taking prime land and we need help with our infrastructure issues.

Edi asked if her mother can get in there for \$900 a month? She asked "why don't you just pay the taxes"? Attorney Hantz said there is still a cost for services. It still costs to run things. It is a non-profit the company that doesn't make money. There are no shareholders.

Mr. Pons said non-profits make money and that money made above their operation costs is rolled in to improvements of the project. Jerry said what Roxie probably implied to get someone to come in and they need to generate \$60,000 to \$80,000 to get funding for the project. There could be a range of income. You could have low, medium and higher income people. To fund the project, what happens if the project is funded, and the finance model assumes 80 to 85% occupancy. What happens if there is only 50 to 65% occupancy? What happens if they can't provide the funds to repay the project. There are requirements in the loan. Morrison spent a good deal of time on the study. It is viable feasibility study that shows people in the north country are in need of these services. They cannot be guaranteed tax-exempt status for eternity. The memory care and assisted living part of the project is o.k. The question is more for the independent living units. Attorney Hantz said that we have planning board approval, funding approval, and these commitments are made to you support tax-exemption status. You get to review it on an on-going, annual basis, and if this turned in to a hotel it would not be tax-exempt anymore. If the project morphed into something it isn't, then obviously the tax-exempt status would change as well.

Ray Gradual asked with this tax exemption, will the town ever be liable for any money going to this project? There is going to be water and sewer services for this project from the Town. The agreement was they were going to give \$70,000 towards the cost of improvements to the sewer system. The Morrison will be a user of the water and sewer systems and will pay fees for same. Is it going to cost the taxpayer at any time? Anybody in the town uses town services so there

will be fire, police and ambulance calls. The ambulance calls get reimbursed, fire and police calls don't get reimbursed. Yes, it could cost more.

The way the tax exempt status works, based on charitable purposes, they have to reapply every year or it is not doing what it is supposed to – that can be reassessed at that point. If you are not doing what your charitable purpose is, based on the model of whether or not they qualify, the exemption could be taken away. USDA is guaranteeing the loan. The intended use of the building could change and then the status could change as well. The loan repayment status is 40 years.

Mr. Holmander asked does the Board consider the tax exempt status ratio of how many tax-exempt properties in town and compare it to other towns and what percentage of tax exempt status they have. Do we have a disproportion of tax exempt properties compared to other towns? There would be ambulance, fire and police services and they will be paying for water and sewer fees. Wondering the economic status of Whitefield. Are we extending something to them our own folks don't have. It does not seem to be equitable. It is basically going to the rest of the taxpayers for support.

Peter said one of the things people should consider that not all of the property may qualify for tax-exempt status. There is a lot of land up there and a house and garage. It is going to bring 30 to 35 jobs to the area, and these people may live in the area and do business in the community. People who stay in the community can live there and utilize the facility. There may be intangible benefits from this facility. Peter said the real issue is whether the project meets the criteria and if it does it is entitled to the exemption. He is not an attorney. He has been reading a lot of stuff in the past three weeks. He has read a lot of stuff. Peter said he goes back to something he learned in biology, all fats are lipids but not all lipids are fats. All charitable organizations are non-profits, but not all non-profits are charitable organizations. Peter said he is not an attorney He still has a question of what establishes the facility as charitable. Is it something that provides funds that subsidizes costs for people there. Peter said it could be there. Peter said we truly appreciate the urgency of the request, but the Board has an obligation to all the taxpayers and not just the project developer. Peter said he is not comfortable giving a yes until we hear back from our attorney.

Peter Corey said he would like to propose a motion to grant property tax exempt status to the Whitefield Senior Living Community project provided that Town Counsel advises the Board of Selectmen that the project meets the requirements in accordance NH RSA 72:23 and furthermore to accept the \$35,000 as payment in lieu of taxes for the tax year 2017. That is only for 2017. If we say yes to this tonight, then we don't have to come back here another night if our attorney says yes it is good then the motion carries and we can all move on.

Wendy said the assessed value is not what it costs to construct it. It is based on fair market and that fair market value will be difficult to figure out. Our town assessor will have a really good time with it. It is not developed yet.

Chris Hebert from Daniel Hebert said it will be constructed in phases. Depending on when they start, if they ever start. The idea would be to do the main building and the 14 cottages in the

spring. The main building is the commons, the independent living, the assisted living and memory support.

This is all propose with project completion in a year according to Roxie and he said one year and a half depends on start time.

Attorney Hantz said they would be happy to talk to the town attorney, and provide him additional information that he may need.

Eddie said \$35,000 is not enough. Eddie said the residents are the ones who pay for the services, depending on what they get for care. It is not the Morrison per say.

Mrs. Brekke asked if the funding is determinant if we say they are tax-exempt or not.

If one of the concerns is service, part of a PILOT is to provide those services. If a large concern is with the ambulance service, we could have a dialogue with Morrison to do some type of donation to the ambulance service. We could come to some sort of agreement. As of April 1, 2017, it is just going to be a shell of a building. We need to review it every year, and that \$35,000 could change each year.

The PILOT negotiations are based on estimated impact: what the community can pay to cover the services it estimates it is going to use.

There is a lot of stuff that is going away from people who are cared for. The burden that is being lifted from the community. There is a whole other side of the burden that will be lifted.

Eddie said people with medical problems – does anyone care about people who own homes and have fixed income and are sick?

Steve Cox said he had four members of his family in the Morrison Nursing Home. They were on both ends of the spectrum. They were taken care of—no matter their level of income. There will be Medicaid eligibility, and standards apply.

Tanya Tellman said she is not a Whitefield resident, and is a former Board Chairman at the Morrison. With the idea of the independent living, you are assuming things like an alarm if they need it and help will go in if called so in the continuing care aspect of it, it is not an independent cottage with no way of contacting help. It would be like having a life-care.

Attorney Hantz said that is exactly right. The independent living is supported care for a variety of needs. Some elderly do become disabled elderly.

John Tholl said you have to look at the continuation of care. We lose people because there is no place to go to here. We often lose people when have to transfer them to Concord or other locations. People leave here because this sort of housing is not available. It makes it a better community. A tax exempt with a pilot is a very good idea. Pilots are not fixed forever and you look at those every year to determine their impact on the town.

Katie Siggins asked about the entry fees would be 10% lower than the southern part of the state. Attonrey Hantz said there are services provided that are all included in that fee: routine

transportation, basic meal plan, medical assistance, prescription oversight included. There will be additional transportation for an extra fee and you can purchase additional medical fees. There is a basic level of service included even in the independent living, for example the health clinic.

Bill Gessner said he is a physician who deals with geriatrics. He sees it frequently when parents get ill and still have a few years left and need support and services. He sees this all too often -where are they going to go and what is going to happen to either parent? It is a dilemma. Who is going to take care of whom? This is not a novel situation. This project is a community. It happens all over the U.S. and happens in greater density in the southern part of the state. The for-profit are just that—for profit with Boards comprised of stockholders. This is important. This is an alternative to a nursing home. There aren't many alternatives in Coos and Grafton county. Sometimes those facilities are all full, and they could benefit from a facility like this.

Gerry Pons said on two levels this a good and worthwhile project. It will be a quality facility. From an economic development level, it will add to the community. We are stuck with a statutory criteria. Gerry said he agrees with the motion if it meets the criteria. If it doesn't, then we need to work to get it to meet the criteria.

If there is some facet of this that causes you concern, that is why we want to have the dialogue and motion. There are areas we can perhaps look at if we are having that dialogue.

Wendy would like to see the proforma. We are lacking sufficient information. Wendy has read the cases. The difference is both of the cases that are being cited are based on actual facilities. There was discussion about this was their policy, this was not their practice. We don't have that here. Wendy said when Roxie said \$60,000 to \$70,000 and people in Whitefield have \$40,000 median income, it just doesn't settle well. Wendy said she doesn't have enough information to make a determination. Wendy said she appreciates them coming and giving us more information.

\$50,000 set-aside annually that builds. Wendy said that would help one person a year. There is guidance and they are looking on criteria in to what actually has gone on. The proposal has some misinformation. The proforma may fill in some of the holes. We are at the perspective stage. The commitments are being made is something we can rely on.

Attorney Hantz said the proformas are proprietary information would need to be reviewed and discussed in a non-public session.

Wendy said she does not feel comfortable with the motion that we accept it after he approves it. We should not be giving the town attorney the responsibility if they qualify for not. Wendy doesn't think it is an appropriate delegation of the town's authority. Wendy is not going to second the motion. It is not up to the attorney to make the decision.

Wendy said it is the taxpayer's burden to demonstrate if they qualify or not. Our town attorney should not be giving Morrison legal advice. It is there burden and they have their own attorney and they should figure it out. Attorney Hantz said that the Town has an obligation to act on the application. It doesn't have to come through the town attorney and we can pass it along. If there

is a missing piece, it is incumbent on the town to tell us that. If there is a concern they can't address it if they don't know the concerns.

The Morrison has offered to reimburse us the cost of our attorney for the consultation.

Bryan Fogg said as a taxpayer in Whitefield, there ought to be a way for this Board to talk to the other party without an adversarial position. All settlements and resolutions happen when people talk. This won't happen if the Board is just being adversarial. Wendy said we want him to say this is what we think your weaknesses are and answer the questions on the table. It can't happen without the dialogue.

Mark thought this was all resolved a couple of weeks ago. Peter and Mark had both agreed to have our attorney talk with the Morrison's attorney. Wendy said the town attorney is not there to do your work for you.

Marsha asked "What is the rush"? They want to start construction and get as much done before the bad weather hits.

Chris Hebert said they were called in 2014, and the project was overbudget. They were selected as construction manager and they did what they excel at giving the project integrity, and to keep the function of the facility intact. They needed to cut \$3 million from the project costs. This project obviously depends on holding the prices, and the positive thing is it will give local contractors work and they will be hiring local employees. Timing is important for the feasibility of the project because construction material costs are rising. We are building something that is an asset to the Town.

Peter Corey made a motion: To authorize the Town's attorney to directly communicate with the Morrison's attorney regarding any insufficiencies in the Morrison's request for tax exempt status with respect to NS RSA 72:23. This motion is not for the purpose of negotiation but rather to allow the expedient exchange of information in terms that can be clearly understood by both parties. The motion was seconded by Mark Lufkin. Wendy said she is o.k. with it if it is to discuss those deficiencies and nothing else, and as long as they pay the cost of our attorney with respect to this issue of the tax exempt status. The motion passes.

How much time do we have so we can get the Selectboard's decision? The Board agreed to meet with Morrison again on Wednesday, August 31st as long as we had a reply for our Town Counsel.

The Board discussed submitting an application for the TAP program for a sidewalk project in Whitefield.

The Board discussed the large tree right on the sidewalk at the library, the large maple tree. Brendan Prusik from U.N.H. Cooperative Extension went and looked at it for us. He gave us a summary of his findings. He thought the maple tree should be removed as soon as possible. Shawn White had said that is too large of a project for the highway department. The Board suggested that the library trustees get some prices from tree removal companies and proceed with removing the tree.

A motion was made, seconded and unanimously approved to enter in to non-public session at 9:30 p.m. pursuant to RSA: 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected has a right to a public meeting and requests that the meeting be open, in which case the request shall be granted.

The meeting adjourned at 10:00 p.m.