



**Selectmen's Meeting  
Town Office  
Wednesday, June 13, 2012**

Present: Jed Brummer, Chair; Roberta Oeser, Selectman; Sam Seppala, Selectman  
Absent: Carlotta Lilback Pini, Town Administrator

**APPROVED MINUTES**

6:00pm Call to Order / Pledge of Allegiance

Approval of:

- Manifests: Accounts Payable & Payroll
- Minutes: Selectmen's Retreat of 05-25-12, Meetings of 05-16-12 and 05-30-12. Roberta motioned to approve all the minutes, provided that changes to a sentence on the third page of the minutes of 05-30-12 were made (they have been made as of this draft), Sam seconded, and all were in favor.

CITIZEN'S FORUM

Acting Police Chief Frank Morrill: The officers are donating their time to work on making the Police Department's workspace layout more usable. To boost morale, I thought the outside Police Department sign might be redone – the Police Association is donating \$100 and we'd like to have \$400 from the Highway Department. The total cost will be \$555, and it will take two weeks to deliver and install. Kevin of New Concepts put together a few new versions of a sign on 3/4" PVC composite that won't crack or deteriorate. There's a 3" standoff so air will circulate, and the top design choice is the Rindge Police badge; the colors will be resistant to weather. The guys are proud of it and it seems appropriate. Keith Griffin: Perhaps the RAMS might help with it.

MOTION: Roberta motioned that the sign for the Police Department be redone with the Police badge logo, Sam seconded, and all were in favor.

Jed: It was a great Memorial Day Parade, we had good weather, and it was well-organized. The older you get, the more you look back on and appreciate what has happened and how people have participated. To have citizens out lining the streets and having a band—it's just great to have that support. Ken Garland considers Rindge his hometown and comes down from Surrey to march. The Memorial Day parade means something to him and he said he'll do it until the day he dies. Roberta: To get the kids out there is really important so they can take part in it. Pat, thanks for organizing it. Audience member: I like the monument on the Green that talks about the people who went to fight the British in Boston; I thought that was really neat.

GENERAL BUSINESS

Carol Donovan: Camper Permit: Carol's son comes up one or two weeks during the summer. Some residents at the meeting mentioned how they had never applied for camper permits. Dave DuVernay: For storage, you don't need a permit. You do need to prove sanitary facilities. Tents are allowed but campers require permits. It's not like Carol's going to rent it for money. Matt Henry, Planning Director: Prior to 2001, our rules said no campers shall be occupied on lots, but later some language was inserted saying the landowner must be the one who occupies the trailer—and that's awkward if their house is already there. We'll be addressing the wording; perhaps Planning can look it over in March. Roberta: It sounds like the attachment talks about a vacant lot. I've had people in motor homes park in my yard for a week. It's like having a temporary guesthouse on the property.

MOTION: Jed motioned to grant Carol Donovan's application to temporarily have the use of a camper without a permit on her property for the duration of her son's visit, which will be for no more than 60 days, being aware that the Planning Board will address the wording of the ordinance in March. Roberta seconded, and all were in favor.

Matt Henry: Community Planning Grant (CPG): Matt: This is a really good grant opportunity with minimal impact to Town resources. For example, if we received \$20,000 the first year, we would be required to match 25% with in-kind services to the Historic Preservation Society and only 25% of that value (an eighth of the grant amount) would be required in cash—and the Planning Board would absorb both the services and cash match requirements. So this would be a really good investment on the community's part. Applying for this grant is very competitive and there was a whole conference just explaining how to do it. I'm hoping the Selectmen will support the Planning Board in applying for this grant. The results of the charrette suggested a neighborhood heritage district (which is not the same as an historic district) in West Rindge and suggested the advisability of a design review.

John Kauer: Don't grants over a certain value need a hearing? Roberta: To accept them, yes, but not to apply for them. If we do get the grant, we will have a public hearing before accepting it.

MOTION: Jed motioned to support the Planning Board in applying for the grant, Roberta seconded, and all were in favor.

Dave DuVernay: Abatement Applications. Dave: We have four applications tonight and Keith Griffin was here first.

Keith Griffin: Application 11-07, Map 5, Lot 16-3. Dave: Both my recommendation and Granite Hill's are attached. Keith: I had a property analysis done by a bank showing the pluses and minuses for each comparable property, and the appraisal was for \$180,000. As far as the flip of the house, that has no bearing—it's what the house sold for. Dave: On January 27, 2012 we were notified that the equalization ratio would be 106.1% for the 2011 tax year (January to December, 2011). A bank appraisal is generally 15%-20% low so the banks do not over-lend. And our assessment at \$218,700 puts the value at \$206,126. The cost approach by the appraiser is \$228,200 which is higher than ours. We use a depreciation cost approach. Every year I update the State on sales vs. the assessed values and they came back with the equalization ratio for 2011. The sales for 2010 were 6.1% lower than the fair market value.

Jed: I'd like to apply the Rotary four-way test to these abatement cases: 1) is it the truth; 2) is it fair to all concerned?; 3) does it build goodwill and better friendships?; and, 4) is it beneficial for all concerned? We have to judge this in terms of being beneficial to all concerned, to the rest of the citizens of Rindge. So is it fair? Keith: I had my value as \$218,000 and it was 100% equalization ratio at the time. Three out of the five comparables are smaller living areas. Roberta: Every house is unique and raised ranches are totally different from Capes. Keith: So you're saying that everyone should sell their home for 106% of the value listed in the town report? Roberta: There should be different equalization rates for vacant land, residential and commercial properties. Commercial properties can sell a lot higher and skew things. No, your house wouldn't sell for your assessed value; it's true. Keith: Then adjust the tax rate. If the value in the book should be the value of the house, that's wrong. I just paid \$350 for an appraisal. Sam: The Butterfield Road comp seems out of place. Keith: My appraisal came in at \$180,000. Sam: It doesn't look like yours is out of line compared to the others and I think that's more the way we have to look at it. You really have to see how it's compared to the others. Keith: I went to \$265,000 in value when I put the addition on. So the whole thing about being equal to everyone else--I was overpaying then and it wasn't equal. If the book is supposed to show the market value, then that's the figure you should use. Dave: But you're comparing it to a bank appraisal. Keith: It's a market analysis. Dave: It isn't. Roberta: They didn't use the right comparables. They have to use properties that are similar enough that they're assessed the same. You can't adjust the same way for a bank appraisal as for assessing. The most similar property is the one on Old Ashburnham because of the square footage. Dave: Even there, you're 330 sf short and that's a considerable difference. And you can't use Butterfield Road; it was ready to fall down and it's a tiny house. Roberta: I understand where you're

coming from and you paid a lot of money, but I think it's necessary to find houses that are more similar. I'm sorry; I don't see it. Sam: I know people who would not sell it for as low as the bank appraisal says. Keith: I think I'll have to go to the Superior Court. How can you take the tax reports that show the market value-- you're selling us a bill of goods that's ridiculous. Roberta: Assessing isn't the same as appraising. Keith: You're trying to make the value as high as possible to get the most money. Just because other peoples' are wrong doesn't mean mine should be wrong. Sam: You feel like you're paying more and others are paying less than comparable properties? Keith: Yes. Sam: Which one? You have to give us comparable properties. Everybody is slightly over-assessed because of the down market. Roberta: You can look for similar properties on Vision Appraisal. Keith: There's a different code for unfinished basements: UBM. I have a totally finished basement – I could put rooms and beds down there, but it's not living area. Sam: These figures don't show that you're out of balance. Roberta: Vision Appraisal has the same codes: FRV means finished basement. Sam: I'd be open to other comparisons that show you're overpaying. Keith: I'm already working 14 hours a day and now you're trying to tell me it doesn't apply. Sam: We have to pay for the town to be reappraised again. Dave: We're seeing more and more really bad appraisals. Jed: Keith, thank you for coming in and letting us understand where your rationale is coming from.

MOTION: Roberta motioned to deny Keith Griffin's motion for an abatement, Sam seconded, and all were in favor.

George and Nadina Desaulniers: Application #11-22, Map 15, Lot 23.

Roberta: You're on Lake Monomonac. George: Yes, the second house in. This was the listing, the inspection report on the property, the appraisal I paid for, and the mortgage on this property which was originated through UBS, bought by Fannie Mae, and required a 30% deposit. I question David's statement that it's only 19% above the appraisal. I have the appraiser's license there. Our property was listed at \$300,000 fair market value, we offered \$297,000 and agreed on \$285,000 after the inspection. Dave DuVernay said a bank appraisal can be 15% below value; I would like to see a statement from the Town that bank appraisers violate their licenses by doing so. Currently there's another property on Paradise Island and one next to me. Half of my waterfront is collapsing. You have my assessment above both of those listings. I also have a statement of the Realtors Association showing that Cheshire County declined by 5%. A market value estimate can be shown by an appraisal or comparables. There's nothing in regards to assessment value or listing value; it's market value. It doesn't mean a seller's going to get it. My market value was \$285,000; \$300,000 was the appraisal. I have no idea except for an irrational raising of the price why the Town marked it up, and why it doesn't follow the state's definition of market value. I don't believe Fannie Mae or UBS tells appraisers to reduce the market value. I'm an employee of UBS. I showed you the mortgage value. I paid County taxes which were .75% at closing based on the market value of the property which was reduced by the repairs needed. There are seven temporary lally columns in the basement of my ranch. So it's structurally sound but needs permanent lally columns. Retaining walls are at an angle, the chimney has water damage, and the assessor took that into consideration. The assessment was \$409,800 and he reduced it to \$350,000. George to Dave: The 15-20% appraisal difference--you're fabricating that and it's your assessment. Dave: No. Roberta: How often is the depreciation looked at? Dave: Every five years. George: In our appraisal, the land is worth \$95,000 but it's not all along the waterfront; though there's a small water front, more of our land is across the street. Roberta: They used the lake factor. George: I think you're misinterpreting the state's definition of market value. Paradise Island's comp is assessed lower – it was the asking price, and if you don't see it then we don't have a conversation. Dave: Asking prices don't represent market value. George: So I don't think the appraisal of \$300k is out of line. Roberta: Insurance doesn't care about land value because they're not replacing that. George: It's tragic that NH real estate has gone down 24% in the last four years. Dave: Our assessments are meant to be market value; that's what we're trying to achieve. It can't be sold at the market above \$300,000. Sam: Tell me about the land; is it on the water or not? Yes. Is the building on the lake? Roberta: Yes, and he has property across the street. Sam: How much is on the water? George: Maybe a quarter acre; it's probably 90 feet. Roberta: Where's your septic system? 200x100' is a half acre. George: You're trying to set market value for more than it is. Sam: No, your property has to be fair compared to other properties. George: The owner has to show market value on the assessed date. Roberta: I tend to agree that some properties on Lake Monomonac are assessed a little high but not as high as you're saying, and improving the property is only going to increase the taxes. George: I have one non-functional room. Roberta: The house next to yours has several non-functional room. George: What is the cost to the town if I go to Court? So I think if the Town gives me a \$1,500 difference, the legal defense will cost you more.

Sam: I would make a recommendation that we lower the assessment to \$350,000. Roberta: I would suggest \$345,000. George: I would say \$340,000 and then would not bring the town to Court. Jed and Roberta: We can't base our decision on that. Sam: Everyone on Lake Monomonac is slightly higher and the general Town is, too.

MOTION: Sam motioned to lower the assessment to \$350,000; Roberta seconded, and all were in favor.

The Board will send a letter. Keith to George: Do you want to join a class action lawsuit? George: No, we'll just get this into the paper.

Alan Choquette's Change of Land Use Tax. Dave DuVernay: He says the lot is 8-3/4 acres with 3.91 acres in wetlands and access by Bean Hill is prohibited so he can only go in on Gillis. The lot is small. The assessment is \$85,000 and he suggested \$40,000 for the lot. Kirk Stensersen: It's a small subdivision. The Bean Hill access gets him 250' feet of frontage and he made two lots. He sold two lots and has only one lot remaining. Less than 10 acres can't be in current use. Bean Hill Road – the Planning Board put a stipulation that it be non-buildable. Sam: could he donate the land to the Conservation Commission? Roberta: Current use is based on market value at the time of conversion. I don't see that lot being worth \$80,000. He didn't have access to it then. Kirk: He owned Gillis Lane until he sold that property. As soon as the shovel hits the ground, the current use is in effect. He's requested a \$40,000 valuation on Lot 5-9-5-3. The building area is 3/4 acres out of 8-3/4 acres. He's just asking to reduce it to what it's worth. Our outside appraiser says it's worth \$68,000. Kirk: There is no view; it's a swamp. When the shovel hits the ground, what's the value of a property you can't get to? Sam: Can't he get there off Abel Road? Roberta: He has a right of way. Dave: He has to pay 10% in land use change tax, so what's it worth? I agree it's not worth \$80,000, especially when you have to build a road to get there. Sam: So because he sold it, there's a land use change tax? Yes. Roberta: He'll have to do the road improvements to get there. Dave: There's a third of an acre to build on and he's asked for \$40,000. He also asked for relief from the land use tax until he pulls a building permit. Roberta: There's a time limit on when it has to be paid. Dave: We add interest if it's not paid within 30 days. Roberta: It says he received a bill on 2/8/12. Dave: He filed within 60 days, so he's good – otherwise, there would be 1-1/2% interest a month. The only thing that would be reasonable is that the use change tax is due whether you've built on it or not. Sam: You could give him relief for awhile on it. Roberta: Like six months? Sam: Yes.

MOTION: Roberta motioned to change the land use change tax value to \$40,000 and to waive interest until December 13, 2012, Sam seconded, and all were in favor.

Kim Yongsim Royea and Bradley Royea, 5 Oak Drive, Rindge, NH. Kim's mobile home is assessed at \$82,400. Todd recommended dropping the value to \$77,500 but the appraisal indicates \$45,000. This appraisal was for the applicant. Dave DuVernay: It does seem that the value is high and I would keep an eye on the sales and maybe make an adjustment at year-end. It's the first house on the left--a single-wide that's seven years old. Bradley: Kim purchased it in 2005 for \$56,000 and to say it went up to \$82,000 is hard to believe. And the market is down since then. The Market value is certainly not even close to \$82,000. If this was up for sale, it wouldn't be sold for \$77,500 either. That's not fair; it's not a double-wide and Monadnock Co-op Park owns the land. Roberta: The park tenants do own the property. Bradley: It's nicer than Forest Park in Jaffrey; we know that, but it doesn't approach \$77,500. But there are few recent comparables. A mobile home is a depreciating asset. Roberta: People were buying in MTC and the values skyrocketed for awhile and then they fell. A double-wide in Jaffrey sold for \$35,000 but granted it wasn't as nice. Roberta: This is really a tough one. The problem is that the lot is not defined and you don't own it, but it is your location in the park and it's part of when you sell. Kim: The home next door is assessed for \$40,000 and it's nicely maintained. Roberta: They fluctuate between \$25,000 to \$100,000. Dave: In April, a single-wide sold for \$30,000. Kim and Bradley are requesting \$45,000. Bradley: if I owned the property, I'd probably list it at \$50,000 and maybe sell it around \$45,000. Roberta: The actual real estate is the mobile home and the value is where it is in the park. But they pay taxes through their dues on the land. I'm thinking the neighborhood of \$48,000 to \$50,000. Dave: I'd like to see you get three assessments of mobile homes in the park. Jed: Right now, we don't have enough information to make a decision. Dave to Kim and Bradley: Just get me the addresses of a few comparables that are similar to yours. Jed: We'll continue this when we have more information. Bradley: I know what they want and we only want to be fair, too.

Dave: We had 33 applications and have settled a number of them. There are 15 more. The big one that withdrew today was Wal-Mart: They took no entrepreneurial part in their appraisal since they are under-assessed so they backed out. FairPoint is fighting every town in this state now since the law changed to allow billing of their telephone poles. So they did pay us but filed an abatement.

Richard Beauregard, 41 East Main Street: Dave DuVernay: Mr. Beauregard has operated his junkyard for 35 years and I've been working with him since 2002. He's continued to promise me that he'll get rid of some of the cars. After we got a complaint from a neighbor, Matt Henry, Carlotta, and I went to look at his property, and there were more cars there than ever before. There were 25-30 cars inside the fence, and about 15 outside the fence. The site is too close to the river (50' when it should be 250'). I would like to send him a notice of violation giving him 30-60 days to remove all vehicles outside the fence, 90 more days to remove 5 vehicles inside the fence, and six months to remove more until the maximum the law allows (5) remain. He's going to resist. Jed: Are we telling him we're giving him this notice of violation because it's considered a junkyard? Dave: Yes. We don't allow a junkyard without a license and the DES has been out there twice. He does a pretty good job of cleaning the fluids out of vehicles. In 1992, he went to the ZBA for a variance and they said he didn't need a Decision because his business is similar to "crafting." He buys broken-down vehicles, rebuilds them and sells them. Jed: It certainly will depreciate the nearby properties. And though he built a huge steel fence, some cars are outside of it and others are near the river.

MOTION: Roberta motioned for the Code Enforcement Officer to pursue the Beauregard East Main Street situation as recommended, Sam seconded, and all were in favor.

Jed: Revenues are in line with where we need to be.

The meeting adjourned at 8:11pm.

*Minutes respectfully submitted by Linda Stonehill, Administrative Assistant*