



**TOWN OF PITTSFIELD
ZONING BOARD OF ADJUSTMENT
TOWN HALL, 85 MAIN STREET
PITTSFIELD, NH 03263**

MEETING MINUTES of Thursday, April 12, 2018

CALL TO ORDER

The Zoning Board of Adjustment Meeting for March 8, 2018 was called to order by Mr. Hetu 7:00p.m.

MEMBERS PRESENT

James Hetu
Pat Heffernan
Jason Rokeach
Scot Palmer

OTHERS PRESENT

Jim Pritchard
Clayton Wood

ELECTION OF BOARD OFFICERS

Motion. Mr. Heffernan made a motion to nominate James Hetu as Chairman. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Abstained; Mr. Rokeach - Yes; Mr. Palmer – Yes; and Mr. Heffernan - Yes. The Chair declared the Motion passed.

Motion. Mr. Palmer made a motion to nominate Jason Rokeach as Vice Chairman. Mr. Heffernan seconded the Motion.

Mr. Rokeach declined the nomination. Motion fails.

Motion. Mr. Heffernan made a motion to nominate Scot Palmer as Vice Chairman. Mr. Rokeach seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Rokeach - Yes; Mr. Palmer – Abstained; and Mr. Heffernan - Yes. The Chair declared the Motion passed.

Mr. Heffernan made a motion to nominate Cyndi Hetu as Recording Secretary. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Rokeach - Yes; Mr. Palmer – Yes; and Mr. Heffernan - Yes. The Chair declared the Motion passed.

REVIEW AND APPROVE THE MINUTES

Motion. Mr. Heffernan made a motion to approve the minutes for March 8, 2018. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Rokeach - Yes; Mr. Palmer – Yes; and Mr. Heffernan - Yes. The Chair declared the Motion passed.

MEET WITH PLANNING BOARD CHAIRMAN TO DISCUSS A JOINT MEETING REGARDING SECRETARIAL ASSISTANT FOR THE LAND USE BOARDS

Mr. Wood explained he didn't want to talk too much about it tonight and wanted to save most of the discussion for a joint meeting. He informed the Chair he would like to request a joint meeting between the Planning and Zoning Boards. The Zoning board would need to discuss and then approve the joint meeting before it can be scheduled.

Mr. Wood explained there seemed to be a lot of concern with the secretarial position being put on the Planning Board agenda. He is hoping to answer two questions: why and why now.

Mr. Wood said two years ago the former secretarial assistant resigned. It was then he noticed a couple of things. When he first became Chair of the Planning Board he spoke with the then secretarial assistant and was surprised to find out how much of a disconnect there was between the assistant and the Board. The assistant would set up the meetings and the Planning Board wouldn't even now the agenda until the meeting. He stated when the Planning Board reviewed their procedures they made plans for if the administrative secretary left. They also determined it is the Planning Boards responsibility to appoint the administrative secretary.

Mr. Wood said if they looked at the detail of the meeting notes they discussed going to other Planning Boards and finding out what they did. He said in some places, things didn't get to the Board until the secretary was happy with it. He said they were getting around things somehow. He explained part of it was finding what the job entails. He said all towns have someone there part time and gave an example of Northwood having someone available all day Monday.

Mr. Wood said if they find a person to do this they would want them for both the Planning and Zoning boards. They would need to know things about both boards. He said Mr. Pritchard has been doing this on a volunteer basis for two years now.

Mr. Wood explained he had funded the line item in the Planning Board budget but the Budget Committee took it away from them.

Mr. Wood expressed concern for the fact things can change and people can leave. It is important to have a plan in place. He said no one has come to him to ask him to do this now. The only thing he did was to ask the Select Board to keep the money on the budget and they did.

Mr. Wood said if the board agrees to it, he would like to schedule the joint meeting on an off night; meaning on a night they are not normally scheduled.

Mr. Heffernan asked if they were to get a paid person in the position how are they going to keep them from being under the Selectmen's thumb. Mr. Wood responded he doesn't have the answer and thinks it is something better to discuss in public. He put together an agenda just to get the ball rolling. He is hoping other people come for the joint meeting because of concerns.

Mr. Heffernan asked why at this time is it a big issue that Mr. Pritchard is in this position. It seems to be a move to get Mr. Pritchard out of the office and get someone else in. Mr. Wood didn't have an answer to the question. He said no one came to him telling him they have to get Mr. Pritchard out. He knows the Zoning Board has had their share of problems. He said the Planning Board is happy with Mr. Pritchard in the position now. He has spoken with Mr. Pritchard and it is not his intent to push Mr. Pritchard out but to have a contingency plan and get everyone on the same page with the plan.

Mr. Wood said they were lucky Mr. Pritchard stepped forward. These boards (Planning and Zoning) never had the dialog with the secretarial assistant as they do now. He said he would like to see a job description both boards agree on so they could find someone if they needed to. He is hoping an open discussion about this will clear some of the air.

Mr. Heffernan said he agrees they need to have a contingency plan. He expressed concern with having someone in there who is under the Selectmen's thumb. He understands the person they put in there is supposed to work for the Land Use boards; however, the Select Board seems to want to run everything. He thinks the Select Board should run with what they know how to do and they don't have any business doing this.

Mr. Heffernan had made a point at the Planning Board meeting that if they are going to get someone good in they are going to have to pay them well enough and asked where the money is going to come from.

Mr. Heffernan again asked why all of a sudden there is a big issue about this. Mr. Wood said he can't answer it and hopes it is cleared up at a joint meeting. He said the focus, in his opinion, is serving the community. It is part of their job to take care of the position. He thinks they can learn a lot from the surrounding boards (other towns) in how to handle the position.

Mr. Pritchard had a response for why the Board of Selectmen is pushing this. The Chair said he didn't want to get too bunny trailed on the Board of Selectmen because Mr. Wood can't answer for them. Mr. Pritchard said the Board of Selectmen answered this last Thursday.

Mr. Pritchard read Mr. Adams comments of having a town employee do all of the Planning Board secretarial work was the concept of how the Planning Board should have it done. Mr. Adams clarified he was talking about all the Planning Board's secretarial position including the general secretary, recording secretary in addition to the administrative secretary. He (Mr. Adams) said the NH Municipal Association had advised "they would be better served if they had an employee-employer relationship with that individual because what that does in the scheme of things is that takes liability off the board members and puts it , once they have an employee, no longer at the doorstep of the town."

Mr. Pritchard commented he thinks the employer usually is responsible for what the employee does. He had sent an email to Ms. Marston asking for corroboration of what the NH Municipal Association had said and the reason for why they said it should be made public. Ms. Marston informed him the Selectmen voted on April 10, 2018 not to disclose this information. He thinks Mr. Heffernan is right, the Board of Selectmen doesn't want to say.

Mr. Rokeach asked Mr. Pritchard if he has an interest in someone else taking the position. Mr. Pritchard responded no. He has not sought replacement and if he did want to leave, he would give lots of notice.

Mr. Rokeach said his perspective is they are talking about this in having a contingency plan regardless it is an employee or a volunteer of the town. He said they need to build a contingency plan with correct documentation and training procedures so if it happens they can get someone in here quickly. Mr. Wood said this has been their plan and there is no need to rush anyone out. He thinks they should go through this when they are all together. He said the goal was to make it easier to find someone as they know it will not be easier.

Mr. Wood said they should have something in place if they need someone tomorrow. He said the Board (Planning Board) there are issues which would be better off addressed openly.

The Chair said he was just coming on the scene when these discussions started and there were a lot of issues at the time. He express concern that the Select Board has radically altered the Administration of Zoning in the town of Pittsfield in the last year. They originally appointed the whole board as Administrators but now Mr. Anderson is the point man.

The Chair asked Mr. Pritchard if they have clarified if Mr. Anderson is the Zoning Administrator. Mr. Pritchard said it hasn't been cleared up. He said the Zoning Ordinance

says in order for the Selectmen's order to be effective it has to be faithfully recorded in the minutes and it isn't.

The Chair expressed his opinion of the Select Board having a mess in their house and they need to sort it out so the Zoning Board can work with them. He thinks a joint meeting would be better served looking into the processes of the Zoning Administrator and this whole cycle as a whole and the have a more detailed look at the secretarial position later.

The Chair said they have had their difference in opinion and disgruntled, if not openly hostile, Select Board who's operating in a manner that he doesn't see how it serves the town better rather, in his opinion, give them more control over the whole process. He said they wrote down their opinion of Mr. Pritchard's performance and the performance of that office. He would be open to get representatives from the three boards and look at this process as a whole.

The Chair explained the Zoning Board put together how the process should work with the assumption that Mr. Pacheco and a secretarial assistant would be working together in the same land use office which has now changed. He sees them spinning their wheels trying to set up a criteria with a moving connection to the Zoning Administrator.

The Chair made it clear the Board stands behind Mr. Pritchard and his performance thus far and are no way looking to undermining him. He expressed concern with Mr. Adams challenging Mr. Pritchard and not voting for him as secretarial assistant on the Planning Board. They are very happy with what Mr. Pritchard does and has done so at their direction.

The Chair thinks the scope is focused in too tight and they need to back out and look at the whole process and then narrow down into the positions later.

Mr. Wood said because they thought ahead before the last secretarial assistant left it took them a lot less time to transfer over to a better person. He said there have always been issues in this town between authority and control. He believes the Zoning Board is going through some growing pains. He doesn't see that being an issue with them putting together for this position because variances and special exceptions need to be done regardless of what they (Select Board) does. The more they can get together on any process, the more they can help the townspeople.

Mr. Wood thinks they should move forward as it is going to be a long discussion. He doesn't think they are wasting their time at all.

Mr. Palmer commented he thinks they should do due diligence as elected officials. He thinks they should meet with them (Planning Board and Select Board) because they are working for the town and not themselves. He doesn't know why the Select Board has become the Zoning Administrator but he would like to know.

The Chair explained the way the Boards are set up the Select Board is not above the Zoning Board. The ZBA is a separate, co-equal part land use administrative in the town of Pittsfield. Mr. Palmer said it feels like they are above them. The Chair stated the Select Board would like to keep it that way. Mr. Pritchard explained in a review process, the Zoning Board sits over the Select Board.

Mr. Wood responded stated the people like when they work together. He said for the benefit of the town they have to get above it. He knows it will not be a simple process which is why he wants to get it started now.

The Chair said his personal opinion is a joint meeting at this time is not in the town's best interest. He thinks the Select Board has to get some mileage under their feet trying to figure out how they are going to run the Zoning Administrator first. The Board is also a four member board at this time and they need to sort that out as well. He would like to set this aside and maybe address it in the future. He would be open to a side discussion with a representative from each board to discuss the landscape before discussing a position. He asked the other members what they think.

Mr. Rokeach agreed they should have a full board before they do a joint meeting. He would like to see a phrasing of the discussion and what the actual agenda item is. He would like see it refocused to continuity planning and not necessarily filling a position. When they talk about filling the position at this time, it sounds like replacement and he thinks what they have right now is working.

The Chair stated he is not sure in the future someone else like Mr. Pritchard may come up as a replacement as a volunteer position. He doesn't necessarily see the employee position is necessary. Mr. Rokeach said it is part of a proper continuity plan.

Mr. Palmer agrees with Mr. Rokeach and the Chair but he doesn't think they should make it too much further until they have a full board. He thinks it is a great idea to have criteria in place for that job. He doesn't understand why they are trying to hire someone when they have someone who does it for free.

The Chair doesn't think the Select Board realized the scope of the responsibility they took on with the Zoning Administrator and it is slowly dawning on them. He said the whole landscape could change

Mr. Palmer expressed concern if someone comes in needing a variance or special exception and they tell Mr. Pritchard goes away there will not be anyone to help the people. Mr. Heffernan asked Mr. Palmer thinks they should have a contingency plan. Mr. Palmer said he was correct.

Mr. Heffernan likes the idea of everyone getting together and hash it out but he thinks they need a full board, a job description, and who is going to pay for it.

Motion. Mr. Heffernan made a motion to table the discussion until they have a full board. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Rokeach - Yes; Mr. Palmer – Yes; and Mr. Heffernan - Yes. The Chair declared the Motion passed.

The Chair suggested maybe they have discussions to come up with ideas for a contingency plan.

NOTICE OF NH OFFICE OF STRATEGIC INITIATIVES ANNUAL SPRING PLANNING AND ZONING CONFERENCE

The Chair asked if everyone who is interested is registered. Mr. Palmer said he has already registered.

MEMBERS CONCERNS

Mr. Heffernan expressed concern with picking up the pace on finding member number five. Mr. Pritchard explained Mr. Bossin withdrew because he will not be qualified to serve for a few months. He spoke to the Secretary of State who said if Mr. Bossin resign so they can fill the vacancy. Mr. Palmer asked didn't they say at the town meeting that he resigned. Mr. Pritchard said they did but he didn't resign, he withdrew his candidacy.

The Chair agreed they need a fifth person but he thinks the cleanest way is to try to find alternates to fill the fifth spot until July when Mr. Bossin is eligible. He thinks this would be the most in line with the recent electoral vote.

Mr. Palmer asked what they do if they have a case between now and July. The Chair said they have a quorum so they can made decisions. He said Mr. Pritchard and himself have discussed the legal piece of Mrs. Benjamin. They may ask her if she doesn't mind filling in until July to help them out. In his opinion, it is easier to find an alternate then a full board member.

Mr. Heffernan commented an alternate has to really want to get him involved. The Chair said they have both an alternate and full board member position open so if someone is interested in either they can entertain it. Mr. Heffernan is surprised at how hard it is to fill the position.

Mr. Wood said he doesn't think people are aware the position is open. Mr. Palmer doesn't think a lot of people know what Zoning does.

The Chair asked Mr. Pritchard if they can advertise in a letter in the Suncook Sun. Mr. Pritchard said the Planning Board has done it in the past. The Chair will work on a letter describing what the Zoning Board does and that they need help filling positions on the board.

PUBLIC INPUT

Mr. Wood agreed it makes sense to wait for the fifth board member to have a joint meeting. His intent with this was to have the discussion of the position.

ADJOURNMENT

Motion. Mr. Palmer made a motion to adjourn. Mr. Rokeach seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Rokeach - Yes; Mr. Palmer – Yes; and Mr. Heffernan - Yes. The Chair declared the Motion passed.

The Vice Chairman adjourned the meeting at 8:15pm.

APPROVED: April 26, 2018

JAMES HETU, CHAIRMAN

DATE