

**OFFICE OF SELECTMEN  
6 HOLLAND STREET  
PO BOX 139  
MOULTONBOROUGH, NH 03254**

Selectmen's Meeting

October 2, 2008

**MINUTES**

Present: Selectmen: Karel A. Crawford, Edward J. Charest; Joel R. Mudgett; Carter Terenzini,  
Town Administrator; Hope K. Kokas, Secretary.

- I. **CALL TO ORDER:** Karel called the meeting to Order at 7:00 P.M.
- II. **PLEDGE OF ALLEGIANCE**
- III. **REVIEW/APPROVE MINUTES:** Joel Made the Motion to approve the Minutes of September 18, 2008 as written. Betsey Seconded. The Motion carried unanimously.
- IV. **NEW RESIDENTS:** Peter J. & Julia E. Velie, David E. Shapiro-Barnard, Linda R. & John H. Allen, Robert J. Ladd, Corey A. Voivin, Mark E. Hagopian, Leo J. & Linda B. Ward, Peter C. & Eileen M. May, Brenda E. & Daniel W. Dimeo, Peter G. Smith, Heather Dean, Daniel O. Hogan, Richard P. & Nancy L. Zeloski, Anne Marie E. Maroun, Norris Viviors, Freyer Sverrisson, Janet L. Sawin, Marie A. Costanza, Bruce W. & Charity E. Parker, Gary G. Wallace.
- V. **PUBLIC MEETING:**
  1. **Susette Remson, Tax Collector, Tax Deeding:** Susette reminded the Selectmen that the tax deeding was to occur on September 24, 2008, but on that day their office received a telephone call from one tax payer requesting an extension. Susette explained that only the Selectmen can grant an extension and they would vote on it at their next meeting. She added that since September 24<sup>th</sup>, this resident has paid the 2005 taxes due. This leaves one delinquent property tax payer and they are now requesting an extension to October 15, 2008. Susette explained that previously her office wasn't able to talk to this property owner, but communicated with their real estate agent who forwarded the message. The property owner has just recently called and asked for the extension. Susette added that they have made a partial payment toward the 2005 taxes and if the property was tax deeded this amount would need to be refunded to the property owner. Betsey Made the Motion to grant an extension to Glen F. and Wendy Crosby, 175 Long Island Road, Map 271 Lot 004 until the close of the business day, 4:00 p.m. on October 15, 2008. Betsey added that she wanted the Crosbys to know that this is the "drop dead" date. Ed Seconded the Motion. The Motion carried Unanimously.
  2. **Public Hearing: Proposed Policy Adoption PEG Channel Access:** Karel opened the meeting for the public to comment. Al Hume asked if the Selectmen had received any communication regarding the proposed policy. Karel stated that they had not received anything. Carter added that the advertised notice stated that comments would be accepted up until 4:00 p.m. today and nothing was received. Hollis Austin presented his letter to the Selectmen and read it into the Minutes (attached) criticizing the contract that the Town had originally negotiated with Adelphia (now Time Warner), questioning the Town's use of the 2% franchise fee, how the policy would be administered, etc. Joel expressed frustration with Mr. Austin's letter, stating that up until the last two years, the

franchise fee has gone into the general fund which offsets taxes. He added that Mr. Austin's letter casts doubt on how this money has been used when in fact it has been stated many times that it has gone into the general fund until two years ago when a special account was set up to assist property owners obtain cable in less populated areas. Joel added that Mr. Austin neglected to state that the contract was negotiated long before any of the present Selectmen were in office. He asked Mr. Austin what exactly is it he wants, when the Selectmen have worked to develop this policy to allow the public to access the cable channel. Joel added that no matter what the Selectmen do to address their concerns, in the Moultonboro Citizen's Alliance eyes it isn't good enough and the result is criticism. Karel suggested to the Selectmen to place the PEG Channel Access policy on the Town Warrant for a vote at Town Meeting. Peter Jensen expressed his feeling that Mr. Austin's letter is not helpful, stating that the Town complied with his wishes, making the policy available to the Town for review. He stated that he appreciated that the Selectmen created the account using the franchise fees to assist those like him in less populated areas to access cable. Mr. Jensen asked the Selectmen to not wait, but to approve the policy. Mr. Hume asked the Selectmen about the form requiring those who want to broadcast on the PEG channel, acknowledging that they take responsibility for any liability in order to save the Town harmless from legal action. He also asked if the Town grants approval of Mr. Austin broadcasting his videos of Selectmen's meetings, would the Town be liable. Karel replied that the Town has not authorized Mr. Austin to video any Town meetings and therefore could not be held legally responsible. Ed commented that while Mr. Austin has the right to express his feelings, it is frustrating that he does so casting doubt regardless of the truth. He added that the policy is necessary because of underlying legal issues. Bill Blackadar speaking for the School Board agreed that they would not support or sign anything that is not actually set up or controlled by the school. Cristina Ashjian expressed her support for televising meetings. Mr. Jensen again expressed his support of the policy asking the Selectmen to approve it. After a brief discussion, Joel Made the Motion to adopt the PEG Channel Access policy. Ed Seconded the Motion. The Motion carried Unanimously.

3. Non-Public Session, Personnel Matter

## VI. NEW BUSINESS:

1. Action: Review & Approve Center Harbor & Moultonborough Reciprocal Agreements: Joel commented that after the two Boards met they were unable to identify any document that stated the reciprocal agreement between the two Towns to share beaches. While this agreement has been in effect for years, both Boards wanted to be sure to make it official and easily identifiable. The agreement between Center Harbor and Moultonborough allows residents and their guests of both towns to access the beach on Lake Street in Center Harbor and Long Island Beach in Moultonborough. Approved by Consensus.
2. Action: Review & Approve 2009-2010 Landfill/Beach Stickers: Karel asked what color has been chosen for the 2009-2010 Landfill/Beach sticker. Hope replied that she was unsure, but it needed to be seen through darkened glass. Chief Kinmond stated that he is still waiting to hear from the Dept. of Motor Vehicle if the stickers can be placed on the left side of the windshield. Discussion occurred about the pros and cons of placing the sticker on the outside versus inside. Betsey Made the Motion to authorize Administration to purchase the stickers from Walnut Printing at a cost of \$760. Ed Seconded the Motion.

The Motion carried Unanimously. Karel stated that the color can be chosen at a later date.

3. Action: Review & Accept Resignation of Cynthia Robinson, RAC: Karel stated that the Selectmen accept Ms. Robinson's resignation with regret from the Recreation Advisory Council, thanking her for her service. She asked Carter to draft the letter to Ms. Robinson. Carter requested to advertise this opening and the other volunteer board vacancies together which he hoped would run next week. Approved.
4. Action: Review Proposed Deed for Acceptance of Hayes & Melly Lane & Buckingham Terrace: Karel commented that the proposed deed deals with utility easements to the Town. Carter suggested that it be referred to Town Counsel for his review. Approved by Consensus.
5. Action: Review & Approve 2009 Steamboat Rally, Lees Mills: David Thompson, President of Lees Mills Steamboat Association, requested in his letter approval from the Town to hold the 2009 Steamboat Rally at Lees Mills which will run September 11 – 20, 2009, with set up days starting on September 9<sup>th</sup> and a clean up day on the 21<sup>st</sup>. In addition he requested the services that the Town has provided in the past regarding electric hook-up and portable toilets. In addition to the request the Association thanked the Town for allowing the annual Steamboat Rally to be once again held at Lees Mills, along with the services provided. Approved by Consensus.
6. Action: Review & Authorize Action Re: Colby Road Rangeway Encroachment: Betsey Made the Motion to approve the letter to Steven and Deborah Tintle, 54 Catlin Estate Road, Map 221 Lot 048 requiring that they remove the encroachment from the Colby Rangeway no later than November 15, 2008. Ed Seconded the Motion. The Motion carried Unanimously.
7. Action: Authorize Letter of Intent for LWC Grant & Expenditure for C/SC Reserves: Karel asked Carter to explain the request. Carter explained that he is seeking authorization to apply for the federal Land, Water and Conservation grant for \$20,000 (50/50 matching grant) in order to build additional playing fields on the Lions Club property and in order to do so, a letter of intent must be mailed by October and will become available in 2009. In order to do this, it is necessary to have the engineers again look at the land at the Lions Club, using the existing building footprint to determine the proper placement of fields and building, looking towards the future use of the site. Once the fields are constructed at the Lions Club property, the Town can then repair the fields at Playground Drive. The engineering plans for the repair are several years old and will require new cost estimates, which need to be ready for the 2009 budget. Carter requests that the Selectmen expend \$12,500 for engineering and architect costs from the \$100,000 capital reserve fund approved at the 2008 Town Meeting. Joel asked how much was left in the RSPT fund. Carter replied approximately \$8,000 and this could be used with the \$12,500. Betsey asked Carter to clarify what the engineer would actually be doing. He stated that they would examine the present footprint of the building and the remaining land to insure that the fields would be positioned in the right place. Carter added that the engineers would need to review the 4 year old plans for Playground Drive for today's cost. The work to the fields will be done in phases. The focus is to construct new and then repair the present fields. Any other work will require an RFP. Ed expressed his concern that the LWCF funds come with federal strings attached. Donna Kuethe confirmed this, adding that once the Town receives the grant the land must be used for recreation in perpetuity and if needed can be changed in-kind to another location. She reminded everyone that the fields at Playground Drive were donated to the Town over 25

years ago without any real work to correct the drainage problems. Ed stated that he'll want assurances that the repairs can be made and the money put to good use. Joel stated that the Town has a lot of money invested in Playground Drive and considering has served well. Peter Jensen asked if any fundraising has been done for this purpose. Carter replied that not up until this time, but it would be appropriate now. Joel Made the Motion to authorize the Town Administrator to send a letter of intent for the LWCF grant. Ed Seconded the Motion. The Motion carried. Betsey Made a Motion for the Selectmen to expend from the Capital Reserve fund and authorize the Town Administer to spend no more than \$12,500 for the purpose of engineering and architecture for site plan review at the Lions Club property. Joel Seconded the Motion. The Motion carried Unanimously.

8. Action: Refer to Workshop – Conservation Commission’s Request for Land Use Change Tax: Karel reminded the Selectmen that the Conservation Commission made this request last year. She asked that it be placed in the Town Warrant file for the 2009 Town Meeting and the Selectmen will review and discuss it during upcoming work sessions.
9. Action: Review & Action – Tax Deed Sale: As the Town did not receive any bids, Carter requested to again advertise these tax deeded lots for sale without a minimum bid and restrictions. He added that a statement would be made that the Town gives no guaranty that the lots are suitable for building. Joel commented that he would rather allow the abutters to have the opportunity to make an offer, without a minimum bid, with the restriction that the acquired lot be merged with their lot and to not be built upon. He added that he would prefer to not have substandard lots in Town. Carter stated he'll draft a letter for the Selectmen to approve, notifying abutters of the tax deeded lots that the parcels are being made available to them without a minimum bid with restrictions, with \$350 legal fees and giving them thirty days to respond.

**VII. OLD BUSINESS:**

1. Action: Closure Policy (Awaiting Board of Library Trustees): Carter stated that he will be meeting with the Library Trustees on Thursday at 1 p.m. to answer their questions.

**VIII. OTHER BUSINESS:**

1. Legislative Update: Betsey stated that the Legislature hasn't met, but reminded everyone that Election Day is November 4<sup>th</sup>. In addition, she has information for the Human Services Department (Welfare Dept.) for heating assistance.
2. Planning Board Update: Ed reported they did not meet this week.
3. Administration Update: None.
4. Zoning Board of Adjustment Meeting Minutes, September 17, 2008: Acknowledged.

**IX. PENDING:**

1. Lakes Region Water Company Matters: Carter informed the Selectmen that Tom Mason submitted his application for a special exception last night and it was continued until February. It is proposed to have an informational meeting the first or second week in January with the Planning and Zoning Boards, Public Utility Commission and the neighborhood. He asked that this item be removed from pending until January. Betsey asked Carter to check if the Zoning Board accepted the application and if so, find out what the time limit is.

**X. CORRESPONDENCE:**

1. NH DOT, September 10, 2008: Karel acknowledged DOT's letter apologizing for not responding to the Town's letter written in May regarding requesting signage for "Share the Road". Gary Torresson has requested to table this item until he can be present at the next meeting to discuss it with the Selectmen.
2. Cristina M. Ashjian, September 24, 2008: Karel commented that the Selectmen share Ms. Ashjian's concern about this problem on Ossipee Park Road. Chief Kinmond stated he has talked with Yannik Russo, CG Roxane's new manager and they have a temporary agreement in place, where CGR staff will monitor traffic, adding signage asking trucks to hold their position until given the go ahead, the same procedure they use during the winter months. Carter added that the Selectmen will be receiving a change order next week for three turn outs. The Chief added that it has been a communication issue and CGR is making plans to improve the situation. Karel commented that it is CGR's responsibility to improve the situation, keeping it safe and controlled. It is not acceptable to jam up the road. Ms. Ashjian stated she was pleased to hear these updates. She informed the Selectmen that trucks are again on Route 171. Karel suggested and Carter and Chief Kinmond agreed that if a check point was created by the MPD issuing fines to truckers traveling on Route 171, that this may have the desired impact to keep them off the road. Karel stated that if the problem doesn't get resolved a meeting will be held with CGR. Carter stated that the plan for paving will be one lane at a time, section by section. There will be no construction during Columbus Day weekend. Ms. Ashjian asked about the idling problem. Carter stated he's spoken with DES and asked for signs, but has yet to receive anything.
3. James Leiterman, September 26, 2008: Ed suggested forwarding Mr. Leiterman's email to the Advisory Budget Committee for their review for the 2009 budget. Karel stated that the Town is now partnering with the school district on purchases in an effort to save money. Carter informed everyone that the Town partnered with the school district for copier paper, which resulted in a significant savings. In addition, the Town has also done this with the school district for heating fuel, resulting in \$3.29 per gallon. He thanked Kay Peranelli for her hard work in achieving this savings. In addition, the Town is working with the school to explore sharing Buildings and Grounds staff.

Joel asked Carter to update the Selectmen on the work being done on Hanson and Kona Road. Carter replied that the driveways on Hanson were completed this week and they increased the rip rap on Kona and extended the guardrail. The punch list will be created next week. Joel asked to join Carter and the engineer to create the punch list.

Joel Made the Motion for the Selectmen to go into Non-Public Session per RSA 91-A:3 II (a) for a personnel matter. Betsey Seconded the Motion. The Motion carried Unanimously. Karel called for a roll call: Betsey – Aye; Ed – Aye; Joel – Aye; Karel – Aye. The Selectmen went into Non-Public Session at 8:43 p.m.

Joel Made the Motion for the Selectmen to come out of Non-Public Session. Betsey Seconded the Motion. Karel called for a roll call: Betsey – Aye; Ed – Aye; Joel – Aye; Karel – Aye. The Selectmen came out of Non-Public Session at 9:00 p.m.

Ed Made a Motion to seal the Minutes until the matter is resolved. Joel Seconded the Motion. The Motion carried Unanimously.

- XI. ADJOURNMENT:** Ed Made the Motion to Adjourn. Joel Seconded. Motion Carried Unanimously.  
Karel adjourned the meeting at 9:01 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Secretary

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