

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

Selectmen's Meeting

July 16, 2009

MINUTES

Present: Selectmen: Joel R. Mudgett, Vice Chair, Edward J. Charest, James F. Gray, Betsey L. Patten; Carter Terenzini, Town Administrator; Hope K. Kokas, Office Secretary.

- I. **CALL TO ORDER:** Joel called the meeting to Order at 7:00 P.M.
- II. **PLEDGE OF ALLEGIANCE**
- III. **REVIEW/APPROVE MINUTES:** Betsey Made the Motion to approve the Minutes of July 2, 2009 6:00 p.m. and July 2, 2009 7:00 p.m., as written. Ed Seconded. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Patricia F. & Richard A. Spongherg, Jeffrey P. Waterman, Wayne S. Giles, Jayne L. Cohen, Richard D. & Cunningham, Caitlin A. Cunningham.
- V. **PUBLIC MEETING:**
 1. **Citizen Input:** 1) Al Hume, as a representative of the Moultonboro Citizens Alliance invited the Selectmen and the public to attend their Right to Know Seminar on August 10, 2009, 7:00 p.m., at the Moultonborough Public Library. He added that the Planning Board and School Board have also been invited to attend. The panel consists of Ed Naile, member of the Coalition of NH Taxpayers, Doug Lambert of Gilford and Tom Tardif, former Mayor of Laconia (1990-1992). Betsey asked Mr. Hume if the Alliance invited a member from LGC, as they do presentations on the Right to Know law throughout the state and for municipalities. Mr. Hume replied that they had not, but will offer the invitation. Mr. Hume then asked for information regarding item #11 on New Business, the task order for Pathway II and III. He felt that before working on the third phase of the Pathway, that the second should be corrected. Carter responded that the Committee continues to work on Phase II and are proposing to DOT in certain areas to remove the gravel and pave to the state's specifications and also get ready to submit their plan for Phase III. For the next round of grant funding, Carter will attend the mandatory DOT seminar and a letter of intent has been submitted for both phases. Betsey asked Carter and learned the Committee has reviewed all of the four test methods, which were not satisfactory. He is hopeful that DOT will approve the Committee's revised approach for Phase II. 2) Jane Fairchild offered her congratulations to the Selectmen for forming the Heritage Commission, designed to protect and preserve historical resources. She expressed her regret that she was unable to be a member for the Commission. In addition, she asked that her application to be a member of the Recreation Advisory Committee be removed. The Selectmen acknowledged her withdrawal. 3) Dave Rosetti told the Selectmen that he went to pick up his dog at the Police Department and saw a totaled squad car (canine unit) in the garage. When he asked the officer on duty what had happened, he wouldn't give him any information. Mr. Rosetti then commented that he

would wait to read about it in the newspaper and was told by the police officer that it wouldn't be in the paper. Mr. Rosetti felt that the officer's response was unprofessional and expressed his concern that the issue was being withheld from the public. He added that he heard a rumor that the car was out of Town and had the accident in Ashland and was not on Town business. Joel confirmed that the accident occurred in Ashland, it was the canine unit that was responding to a mutual aid call and involved in a property damage accident, no one was injured, but the car was totaled. As the Selectmen do not investigate such matters, the state police have been asked to investigate the incident and they are awaiting their report and also the report from the Town's insurance company. This was the first Selectmen's meeting to make the statement to the public. Joel added that the Town does respond to mutual aid requests from other towns, and it is his assumption that he was authorized to be there. In addition, Joel commented that when he was on the Fire Department, it was standard policy that one official was responsible for releasing a statement, versus having various staff relate the story which could then become distorted. He felt that the officer didn't provide any information due to this policy. Ed commented that the first he heard of the incident was from someone in Ashland, and then he received notification through Carter's email. Mr. Rosetti stated that the only reason he is at the Selectmen's meeting is because the officer had told him that the accident wouldn't be reported in the newspaper. Betsey added that she heard from a few residents asking that a statement be put out and it is their intent to do this to eliminate the appearance of trying to hide something. She agreed that this was the first Selectmen's meeting for the Board to provide a statement to the public. Carter reported that on the day after the accident he emailed all of the Selectmen informing them of the accident and stated that he would forward the state police report to them as soon as it is received.

VI. NEW BUSINESS:

1. Presentation: Town Web Site Use Statistics & Dissolution of Web Site Committee:
Carter, in his Power Point presentation to the Selectmen reported that the Town's website has now been online for six months. He provided statistics about the number of sessions, the number of hits of pages, and the number of users who've visited the website. The number of subscriptions to Town updates is 89 minus approximately 15 Town employees. Carter expressed disappointment that this number is not higher and added that it is planned to promote the subscription feature through the newsletter. He further explained that when one subscribes to the updates, they must reply back in email accepting the subscription and prevent it from being treated as spam. Carter informed the Selectmen that the website receives approximately 18,000 hits per month with the most hits to the first page, 2nd being the Selectmen's Minutes, and 3rd the Assessor's page, which includes the link to Vision Appraisal and SMS GIS Tax Maps. He reported that in the past six months, Town committees have been added, topical issues are being reported, and revisions have been made to the "email blaster", and now we're accessing web statistics. Carter stated that the web statistics are only for the Town's use. With the revisions to the email blaster, this has saved staff time, who overall commit approximately 10 hours per week to the website. Positive comments have been received and it appears that the more information placed on the website, the more requests are made for additional information. Carter stated that it is hard to please everyone and we must balance the extra time required to do the work with the extra benefit to the website. There are plans to build a page for the new Town Planner and pulling in other Town departments. Carter asked that the Selectmen discharge the Website Committee, with the

- thanks of a grateful community for their time and service. Betsey asked if the web statistics gives out people's names. Carter replied that it does not only the computer number used. Joel thanked the Committee for their hard work in creating the Town's website. Ed Made the Motion to discharge the Website Committee, with the thanks of a grateful community. Betsey Seconded the Motion. The Motion carried Unanimously.
2. Review for Approval: Temporary Use Permit, LRCT – Castle in the Clouds, July 26, 2009: Ed Made the Motion to approve the Temporary Use Permit for Lakes Region Conservation Trust – Castle in the Clouds, July 26, 2009. Betsey Seconded the Motion. The Motion carried Unanimously.
 3. Review for Approval: Temporary Use Permit, Red Hill Auto: Betsey Made the Motion to approve the Temporary Use Permit for Red Hill Auto, wood carving sales from July 17, 18 and 19. Ed Seconded the Motion. The Motion carried Unanimously.
 4. Review for Approval: Dissolution of Town Planner Screening Committee: Carter explained that the Selectmen have signed the letters to the members of the committee, thanking them and discharging them, but asked the Selectmen to make a formal motion in order to do so. Betsey Made the Motion to discharge the Town Planner Screening Committee with the thanks of a grateful community. Jim Seconded the Motion. The Motion carried Unanimously.
 5. Review for Approval: Disposal Agreement, Laura & Todd Keyser, 97 Hartford Valley Road: Joel explained that the Keyzers have asked to receive from the Highway Department, green hardwood and softwood. Betsey Made the Motion to approve the Disposal Agreement for Laura and Toddy Keyser, 92 Hartford Valley Road. Ed Seconded the Motion. The Motion carried Unanimously.
 6. Review for Approval: LGC Proposed Article 28-a Lawsuit Against the State: Carter explained that an effort has been put forth by LGC to stop the downshifting of the state's share to the employers' retirement contribution for Group I teachers and Group II police and firefighters. He explained that starting July 1, 2009 the state has reduced its share from 35% to 30% and will again drop in 2011 to 25%, placing the added financial burden on municipalities. LGC proposes two initiatives: 1) Submit the retirement payment with a letter of protest; 2) Join with other municipalities in litigation to have the court uphold the state's constitution, Article 28-a, by not mandating any unfunded mandates to the municipalities. Carter stated that if the Town was to participate in the lawsuit, its share of the cost of litigation is \$816. Joel asked Carter which account the funds would come from. Carter replied that the legal account could cover the cost. Betsey Made the Motion to send a letter of protest with the retirement payment and to join the LGC litigation and contribute \$816.45 towards that effort. Jim Seconded the Motion. The Motion carried Unanimously.
 7. Review for Approval: 2009 Investment Policy: Carter reported that the only change is from requiring the Treasurer's report twice a year in May and November to June and December to coincide with the quarterly financial reports, the first quarterly report will be presented to the Selectmen at their next work session, July 23, 2009. He added that the Treasurer has reviewed the policy and the Advisory Budget Committee will be in attendance at the work session. Betsey asked to receive a copy of the quarterly report prior to the work session in order to review it. Betsey Made the Motion to approve the 2009 Investment Policy No. 5. Ed Seconded the Motion. The Motion carried unanimously.
 8. Review for Approval: Temporary Sign Permit, Historical Society – Lamprey House Museum: Joel reported that the CEO stated that the fee is waived as they are a non-profit organization. Betsey Made the Motion to approve the Temporary Sign Permit, Historical

- Society – Lamprey House from July 13, 2009 to August 2, 2009. Ed Seconded the Motion. The Motion carried Unanimously.
9. Review for Approval: Release of Digitized Tax Map Data to Lakes Region Water Company: Carter reported that LRWC has requested to receive a copy of the tax maps in a digitized form. These kinds of requests have been denied in the past mainly due to companies who were outside of the community. Carter stated that he recommends approving the request with the following agreement: 1) LRWC pays the \$250 fee to the Town and Cartographics (CAI) will create and provide the CD; 2) LRWC will sign a release acknowledging their need and use for this information (i.e. to map out the LRWC water pipes in Town), that the maps are for tax purposes only, and the information created by LRWC be provided to the Town for our use in order to build upon the base map. Carter added that the Assessor, Highway Department and CAI are in favor of releasing the digitized maps to LRWC. Joel supports releasing the digitized maps as the Town will receive important information. Tom Mason, Jr. provided the Selectmen a letter from Fluet Engineering Associates stating that they've been hired to complete a water system computer model, adding that they have provided the same service to the Laconia Water Department, Plymouth Village Water & Sewer District and the Edelweiss Village District in Madison. Carter added that he will continue to bring any subsequent requests such as this to the Selectmen for their review. Betsey Made the Motion to authorize Cartographics Associates, Inc., to release the Town's digitized maps to LRWC for the fee of \$250 with restrictions as to the use of the information. Jim Seconded the Motion. The Motion carried Unanimously.
 10. Refer to Work Shop: Community Technology Fund Process: Joel stated this deals with the franchise fee the Town receives from Time Warner and which the Town has set aside to assist residents with expanding cable in Town. Carter reported that he is providing this draft to the Selectmen for their review to be discussed at the next work session. He added that Time Warner will be expanding cable on Ossipee Mountain Road this summer.
 11. Review for Approval: Task Order Pathway - Phases II & III: Carter reported that KVPartners, the Town's engineering firm has submitted this scope of services for the preparation and submittal of the grant application to DOT for Phase II and Phase III of the Pathway. The cost for the engineering work is \$5,930 and is in the 2009 budget. He asked that the Vice Chair be authorized to sign the Task Order. Betsey made the Motion to approve the KVPartners' Task Order \$5,930 for engineering services for Phases II & III of the Pathway. Ed Seconded the Motion. Joel asked if the former engineer did any of the work on Phase III. Carter replied that they had done limited work with a plan going through Kona and the state reserve; however the Pathway Committee is not in favor and want to look at it again with the plan of staying on Moultonboro Neck Road. The Motion carried Unanimously.
 12. Review for Approval: Temporary Use Permit, Lions Club – TAP Enterprises: Joel reported that this is an annual event and the Police and Fire Chiefs have no restrictions. Betsey Made the Motion to approve the Temporary Use Permit for the Lions Club and TAP Enterprises for August 7, 2009 to hold a tool sale. Ed Seconded the Motion. The Motion carried Unanimously.
 13. Joel acknowledged Carter's memo regarding the Halfway Brook Bridge at 157 Lee's Mills Road, which recently failed. The estimated cost to repair it is \$67,500 and from reading the property owner's deed, it doesn't appear the Town owns it. Carter reported that there are two options. The first option is that the Town accepts the bridge and repairs it. The second option is to provide the property owner with advance notice that the Town doesn't own it and will remove it (the Town has made repairs to it in the past) in order to

protect the public. Jim stated that he feels the property owner needs to produce documentation to prove the Town owns the bridge. Joel added that the Town has worked on it and has repaired it in the past. Ed recalled that back in the 80's the question came up and wondered if the state gave the land to the Town. Joel commented that he's read the property owners deed and there is no mention of any right of way into the property. Carter offered to work with Town Counsel to draft a letter giving the property owner two weeks' notice, adding that he's concerned of the Town's liability if the bridge is left. Jim asked that the question be reviewed by Town Counsel. After discussion, it was decided that Carter will refer to Town Counsel and will draft a letter asking the property owner to produce evidence of the Town's ownership, giving them until July 31st to do so.
Approved by Consensus.

VII. OLD BUSINESS:

1. Betsey asked that information relating to the DES Watershed Grant be referred to the new Town Planner.

VIII. OTHER BUSINESS:

1. Legislative Update: Betsey reported that other than the Medical Marijuana Bill being vetoed, she doesn't have anything to report.
2. Planning Board Update: Ed reported the meeting was very long, but they've come to final resolution on the CG Roxane and Ossipee Park Road issue. In addition, the Town Planner is now on board and both Land Use Boards look forward to working with him.
3. Administration Update: Carter stated that the only extra item he has to report beyond his weekly update to the Selectmen, is that the new wiring has been pulled into the Public Safety Building and was done by Veno Electric and supervised by Don Cahoon, CEO and licensed electrician. A letter was sent to Veno and Chicoine regarding the repair of the parking lot and other costs. Carter added that he commends Veno Electric for stepping up and making the repairs.
4. Planning Board Minutes, June 24, 2009: Acknowledged.
5. Zoning Board of Adjustment Minutes, July 1, 2009: Acknowledged.
6. Joel commented that he's glad the electrical upgrades to the Town facilities have started. Carter added that the Town's cost will be \$30,000 of the overall \$62,000, which NH Electric Cooperative will pay the difference. The Town will realize the savings in three years. Lightec will next be looking at the motors on compressors, which will be the next phase for the 2010 budget. He recommends that every five to six years the Town have the electrical system reviewed as technology is advancing rapidly.

IX. PENDING: None.

X. CORRESPONDENCE:

1. Andrew Marshall, July 1, 2009: Joel reported that Andrew in his email to the Selectmen, reports that he's completed his Eagle Scout project of constructing a bench at Lee's Mills and also provided photos. The Selectmen agreed that the bench looked great and thanked Andrew for his service to his community.

2. Robert P. Patenaude, July 9, 2009: Joel reported that Mr. Patenaude would like to be appointed as an alternate to the Conservation Committee. Betsey recommended and the Selectmen agreed to refer Mr. Patenaude's letter to the Conservation Commission.
3. UNH Technology Transfer Center, July 7, 2009, Craig Dunn & Edwin Wakefield: Joel reported that Craig Dunn has achieved the status of Road Scholar 1 and Ed Wakefield achieved the status of Road Scholar 2. Joel and the Selectmen congratulated both Craig and Ed for this achievement. He added that it is a great thing for the Town when employees seek extra training and education.

XI. CITIZEN INPUT: 1) Peter Jensen asked the Selectmen to reconsider their vote on item #6 regarding the lawsuit, as regardless of who pays the retirement share, it will still come from the taxpayers. Jean Beadle added that the School Board didn't act on this. Ed agreed with Peter, but added that he's concerned that employees will be asked to increase their share. Betsey explained the retirement funds come from the general fund and not from the real estate tax, adding that only the statewide school tax comes from the real estate tax. The general fund is comprised of fees the state charges. The downshifting of the cost by the state goes against the state's constitution. Joel commented that the whole retirement program needs to be revamped. Mr. Jensen thanked Betsey for her explanation and he now understands why the litigation is needed. Joel asked if any of the Selectmen wish to reconsider their vote and learned that they did not. 2) Al Hume asked Carter about the crosswalk from the Library to the Country Store, asking how much time the Town spent on a state road. He added that there are other areas that also need crosswalks. Betsey responded that the Town has tried to get the state to do this for the school without success. Carter added that they will try to involve the state on Route 25, adding that the problem of the 8" curb is not handicap accessible. Jane Fairchild commented that the Safe Routes to School is also considering this. 3) Hollis Austin asked what caused the problem with the wiring at the Public Safety Building. Carter replied that when the wires were installed, they were damaged, arcing and then overheated the pipe causing the hole, and the water damage. The problem has now been repaired. Joel added that when the wires were pulled, they chafed and were taped improperly. Mr. Austin asked Betsey if she had any information regarding the latest NH statistics on the loss of young people, which they are now reporting is contradicting the previous numbers. Joel commented that he has seen the same study, but added that overall there is less of the younger generation, which skewed the statistics. Ed added that the problem exists in central and northern NH as there isn't any affordable housing and work force housing is needed. Mr. Austin asked if the Town is doing anything to secure the safety of the Town maps on the Internet from those wishing to do the country harm, such as terrorists. Betsey responded that it is public information and a Right to Know issue. She suggested that he contact the state's federal senators and representatives. 4) Ed commented that he received his proposed value from Vision Appraisal and it has dropped, which concerns him. Carter stated before the hearings it is estimated that overall there has been a 1% drop in assessed value and we will know more after the hearings. He added that Moultonborough is in good shape compared to many of the towns and cities in New Hampshire.

Betsey Made the Motion for the Selectmen to go into Non-Public Session per RSA 91-A:3 II (c). Ed Seconded the Motion. Joel called for a Roll Call: Jim – Aye; Betsey – Aye; Ed – Aye; Joel – Aye. The Selectmen went into Non-Public Session at 8:57 p.m.

Ed Made the Motion to come out of Non-Public Session and to seal the Minutes until the matter is resolved. Betsey Seconded the Motion. Joel called for a Roll Call: Jim – Aye; Betsey – Aye; Ed – Aye; Joel – Aye. The Selectmen came out of Non-Public Session at 9:38 p.m.

- XI. **ADJOURNMENT:** Jim Made the Motion to Adjourn. Ed Seconded.
Motion Carried Unanimously.
Joel adjourned the meeting at 9:39 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Office Secretary

Draft