

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

**Selectmen's Meeting**

**July 30, 2009**

**MINUTES**

Present: Selectmen: Karel A. Crawford, 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:** 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 July 16, 2009 and July 23, 2009, as written. Jim Seconded. The Motion carried Unanimously.

**IV. NEW RESIDENTS:** Patricia A. Chavallier, Sheila D. Weeks, Frederick J. Morin, Debra Cahill, Kenneth G. Kelley, Michael R. & Beth S. Stonebraker, Richard K. & Jan L. Krusz, Edward E. Cote, Jr.

**V. PUBLIC MEETING:**

1. Citizen Input: 1) Al Hume, referring to the Informational Session of July 23, 2009 and his question to the Selectmen about considering using a zero based budget, provided them with a definition from Wikipedia. He read into the minutes the first paragraph of the definition (attached). Mr. Hume asked Jean Beadle, Chair of the ABC if she would recommend zero based budgeting for the Town. Ms. Beadle gave her opinion that she would not, as it is too time extensive. She added that the Selectmen and the ABC closely analyze all of the departments' budgets. 2) Hollis Austin asked the Selectmen if they had considered his previous request, of allowing public input during the Selectmen's meeting and not limiting it to the beginning and end of the meeting. Karel stated that they have not discussed it and asked the Selectmen for their opinions. Betsey stated that she is in favor of keeping the present format of allowing citizen input at the beginning and end of the meeting. She added that during the meeting of the 16<sup>th</sup>, during citizen input at the end of the meeting, the Selectmen were asked to reconsider an earlier vote. The issue was further discussed, resulting in the citizen receiving additional information and allowing the members of the Board an opportunity to reconsider their vote. This format allows the Selectmen to complete the business of the Town without interruptions. Jim commented that he agrees with Betsey. Ed gave his opinion that those that attend the Selectmen's meetings tend to be the same people every week asking questions, which takes a lot of time. He added that most of those that attend are informed, have reviewed the agenda and minutes via the website, and have prepared their questions for the meeting. He would only consider going back to the old format if the audience varied. Joel commented that he sees Mr. Austin's point, but agrees that the public is being given an opportunity to request further information and ask the Selectmen to reconsider their vote. Karel also agreed and stated that the format will remain the same. 3) Al Hume asked the Selectmen

to amend the minutes to reflect his comment regarding inviting the LGC to the Moultonboro Citizen Alliance's seminar on the Right to Know law, striking the word "will" to *could*, adding that he is only a member of the MCA and not able to speak for the whole association. Betsey commented that the Selectmen received an email from the MCA President, Linda Punturieri, stating that LGC only gives presentations for governing bodies and that is why MCA did not put out an invitation to them. Joel Made the Motion to amend the minutes of July 16, 2009, to read, "Mr. Hume replied that they had not, but *could* offer the invitation." Betsey Seconded the Motion. The Motion carried Unanimously. 4) Jim Morrison asked the Selectmen to report the financial package for the Town Planner. The Selectmen agreed to provide that information at the next meeting. 5) Hollis Austin asked why the Town Planner wasn't invited to the Summer Informational meeting, as the public hasn't had the opportunity to be introduced to him. Karel suggested that Mr. Austin go to Dan Merhalski's office and introduce himself. In addition she said the Town Planner was present at the last Planning Board member and available to the public. Mr. Austin commented that he did attend the meeting and the Town Planner spent most of his time with his back to the public. Karel commented that this is an issue that he should bring to the Planning Board, as it is out of the Selectmen's jurisdiction. Carter explained that the presentation Mr. Merhalski gave was to the Planning Board and it is the Planning Board that he needs to interact with. In response to Mr. Morrison's question, Carter provided the salary figures he requested: \$27,500 salary, \$10,000 benefits, \$7,500 professional development, total of \$45,000 out of the \$55,000 budgeted. He stated that this is a result of his start date, which was later than anticipated. Nancy Wright asked what the annual salary is. Carter stated that the annual salary is \$55,000 plus benefits.

2. Public Hearing: Proposed Ordinances - Capital Improvement Program  
Heritage Commission:

Karel opened the Public Hearing for the Capital Improvement Program and the Heritage Commission at 7:32 p.m. 1) Allan Ballard provided information regarding the Capital Improvement Program from the NH Office of Energy and Planning for the Selectmen to review, reading excerpts, explaining the purpose, stating the mandatory requirements and providing guidelines for the CIP. He urged the Selectmen to not make the CIP an ordinance, which will invite legal challenges. Mr. Ballard also urged the Selectmen to include the school system and to reference the RSA's. He also asked that they consider having a School Board member be on the CIP Committee. 2) Jane Fairchild agreed that both the CIP and Heritage Commission should not be classified as ordinances. An ordinance is for Town law, enforceable if not met, which isn't appropriate. She provided the Selectmen with a form to use when establishing committees. Betsey stated that RSA 31: (39) on bylaws and ordinances is referred to as "police power". She agrees that the committees fall under RSA 674: (4) (5) (6) and (7). Karel agreed that the question is whether it is an ordinance or not. Carter stated that ordinances are adopted under RSA 674 and referred to 31-39 (l) which provides a wide variety of police powers, but is also used to make ordinances and other towns use it. He stated that it is his and Town Council's recommendation to make it into an ordinance. However, it is more important to develop the format for the committees. Carter stated that he isn't opposed to putting it into a policy. Betsey offered to help in this process. Mr. Ballard added that the language specifically keeps it apart from an ordinance. Ms. Fairchild questioned why there are only 5 members appointed and asked the Selectmen to consider 7 members to handle the work load. Betsey commented that when she was involved with the CIP 20 years ago,

the main input was from department heads, and the 5 member committee with 2 alternates allowed full participation. She added that the CIP can review this and if needed can request to add members to the committee. The Selectmen agreed. Ed commented on the Heritage Commission, that it isn't an ordinance, but a policy, allowing them to create the vision and having flexibility. Karel agreed that a policy is suitable and it is her desire to get the committees going. Cristina Ashjian reminded the Selectmen her earlier statement that the Heritage Commission will work with the Selectmen and added that they would like to use Betsey's draft. Karel agreed that the Heritage Commission should meet and come back to the Selectmen. Betsey expressed that it should be made a policy. Joel agreed and added that the state RSA's should be referenced. Carter said that he will review both and will bring them back to the Selectmen, hopefully at the next meeting. Karel closed the Public Hearing at 7:55 p.m. Ed commented that Ms. Fairchild's form that she submitted was excellent.

## VI. NEW BUSINESS:

1. Review for Approval: Acceptance of Insurance Payment – Accident of Ossipee Park Road: Karel commented that the Selectmen need to accept the check for \$21,500. Betsey Made the Motion to accept the insurance payment of \$21,500 from Lancer Insurance Company in the settlement of the claim for damages to Ossipee Park Road per RSA 31:95 (B) and to authorize the expenditure of the said amount for repairs to said Ossipee Park Road. Ed Seconded the Motion. The Motion carried Unanimously.
2. Review for Approval: Disposal Agreement, Jeanne Lacey: Betsey Made the Motion to approve the Disposal Agreement for Jeanne Lacey to receive dirt from the Highway Department. Ed Seconded the Motion. The Motion carried Unanimously.
3. Review for Approval: Public Works Revised Equipment Plan: Scott Kinmond provided the Selectmen with his memo, stating that he reviewed the proposed use for the tractor and found some problems. The first problem is that the tractor will not fit in the Playground garage and there isn't room in the Highway garage. The second problem is that the Town doesn't have a trailer to transfer it and it wasn't approved to make this purchase. From here, he reviewed all of the Town's equipment and also worked with the school district in attempt to maximize all equipment. The purpose of purchasing the tractor was to maintain the Pathway, use on the ice rink and the future sports fields located at the Lions Club property. After looking at all departments' equipment, he found that by adding implements, this would maximize the usage for the Town, the school, and also could be used for the Town's many cemeteries. Carter commented that the total being spent is less than what was budgeted for the tractor. Joel asked if Scott had looked at a back hoe for the skid steer. Scott replied that he hasn't, but will. Joel asked if the zero turn mower has been fully utilized. Scott said that it has been very helpful. The Selectmen agreed that the grounds look very good. The Selectmen agreed by consensus to purchase the recommended implements.
4. Review for Approval: Authorization to Purchase Police Cruiser: Carter reminded the Selectmen that if they approve this purchase and do not approve the budget amendment that the Police Department will have a money problem. By moving \$20,000 from other departments and the expected insurance payment, this will allow the purchase of the cruiser. Chief Kinmond stated that the insurance company totaled the cruiser and they expect to receive approximately \$11,200. Irwin Motors will honor the same bid amount earlier received this year to purchase a leftover 2009 cruiser. It is planned to install the canine container into a present fleet cruiser and the new cruiser will be added to the fleet.

Chief Kinmond added that within his department's budget there are some contingency funds available to add to the purchase. Irwin Motors will hold the bid price, but they are not sure for how long. Joel Made the Motion to transfer \$10,000 from the Visiting Nurse Service – Professional Service and \$10,000 from the Town's Contingency account to the Police Vehicle Supplies account. Betsey Seconded the Motion. The Motion carried Unanimously. Joel commented that they need to develop and fund an account for emergencies such as this authorizing the Selectmen to expend.

5. Review for Approval: Launch Request – NH Bass Casters: Betsey Made the Motion to approve the Launch Request from the NH Bass Casters for August 22, 2009 Lee's Mills and States Landing with the Police and Fire Departments' stipulations. Ed Seconded the Motion. The Motion carried Unanimously.
6. Review for Approval: FY 2009 Budget Transfers: Carter explained that there is a short fall in the following accounts: Human Services rent account is nearly in deficit due to the economy. He is requesting that \$20,000 be moved from the Transfer Station Tipping Fees to Human Services. From the Record Preservation account \$1,500 to go to Elections – Ballot Clerks; and \$1,000 to Elections - Other Services. This deficit is due to the special election in March. The \$20,000 From the Town Planner Salaries account, \$27,500 to Development Service Salaries, and \$10,000 to Development Services Benefits, and \$7,500 to Development Service Professional Development. Carter added that the quarterly financial report will keep track of how the budget has been amended. Ed commented that DRA allows this as long as the funds weren't mandated at Town Meeting and doesn't change the bottom line. Joel Made the Motion.
7. Review for Approval: Task Order FY 09 Road Projects: Scott Kinmond explained that he has met with the Town's engineer and the \$11,370 is to fund the engineering to develop the road program. Betsey Made the Motion to approve the cost of \$11,370 to KVPartners and authorizing the Chair to sign the Task Order. Joel Seconded the Motion. The Motion carried Unanimously.

**VII. OLD BUSINESS:** None.

**VIII. OTHER BUSINESS:**

1. Legislative Update: Betsey reported the Belknap County Superior Court has ruled that the state can't use the JUA fund and expects that the Governor will appeal the decision. She added that the Legislature will be looking at 2011 and the return to donor towns. Betsey asked the Selectmen to allow her to draft a letter to neighboring lake towns requesting that the state take action to eliminate milfoil on the lakes. The Selectmen approved by consensus.
2. Planning Board Update: Ed reported that they approved the C.G. Roxane site plans for the staging area. He added that last night's work session was very productive and thanked Dan Merhalski, the new Town Planner for his presentation.
3. Administration Update: Carter stated that besides his weekly update, he reports that he attended the mandatory Transportation Enhancement meeting for the Pathway funding. He learned that the rules are more restrictive and the Town will incur higher costs, as it is required to have a paid clerk of the works. The amount of money is limited and only one project in each region will be approved. In addition, he has not heard back regarding the Half Brook Bridge. Carter said he will talk to Town Council and this will be on next week's agenda.
4. Library Board of Trustees Minutes, June 11, 2009: Acknowledged.

5. Planning Board Minutes, July 8, 2009 & July 22, 2009: Acknowledged.

**IX. PENDING:** None.

**X. CORRESPONDENCE:**

1. Moultonboro Citizens Alliance, July 9, 2009: Karel acknowledged the invitation from the MCA to attend their Right to Know seminar at the Library, August 10, 2009, 7:00 p.m.
2. Time Warner Cable: Karel reported that this is notification from Time Warner that they may be dropping channels due to contract renewals.

**XI. CITIZEN INPUT:** 1) Jim Morrison reported that an emergency meeting regarding milfoil will be held at the Meredith Community Center on August 5, 2009. 2) Al Hume asked the Selectmen to have Scott Kinmond, the new Highway Agent report what he is doing. Betsey commented and Carter agreed that right now wasn't a good time for Scott to make a presentation as he is busy with the road projects. Carter thought that November would be a better time and will set this up. 3) Jim Morrison asked the Selectmen if a search committee has been appointed for the new police chief. Karel responded that there is a search committee formed, however, they are volunteers and they weren't appointed. The members are: High Sheriff Craig Wiggin, Belknap County; High Sheriff Scott Hilliard, Merrimack County; Police Chief Ed Piccard, Auburn; Moultonborough citizen, Peter Welley; Town Administrator Pat Brenner, Peterborough. Al Hume asked why the members were chosen so far out of Town. Karel replied that there are in-house applicants and no one from Carroll County was asked to volunteer. 4) Peter Jensen applauded Betsey's efforts towards the treatment of milfoil and suggested that next year, the Selectmen require that fishing tournaments provide their own inspectors for milfoil. 5) Hollis Austin asked if it could be arranged for the Town Planner to make a presentation to the public. The Selectmen agreed that this could be arranged.

Betsey mentioned the memo the Selectmen had received from Susette Remson, Tax Collector, regarding Carter's weekly update and her concern about including Camp Tecumseh's scholarship information in the upcoming Town newsletter. Susette stated that she didn't feel that this was municipal information and therefore inappropriate for the newsletter per the RSA. Carter responded that in fact Camp Tecumseh has a PILOT with the Town and in part offers a scholarship to Moultonborough boys as part of the PILOT. He added that he'll talk with Susette about this.

**XI. ADJOURNMENT:** Joel Made the Motion to Adjourn. Ed Seconded.  
Motion Carried Unanimously.  
Karel adjourned the meeting at 8:40 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Office Secretary