

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

Selectmen's Meeting

November 5, 2009

MINUTES

Present: Selectmen: Karel A. Crawford, Joel R. Mudgett, Vice Chair, Edward J. Charest, Betsey L. Patten; Carter Terenzini, Town Administrator; Hope 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:** Ed made the Motion to approve the Minutes of October 29, 2009 as written. Betsey Seconded. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Russell H. & Mary C. Goyette, Ellen W. Miller, Carolyn & Sean M. Brown, Karen E. & Michael W. Ball, Daniel & Anna Merhalski, Lisa S. & Charles M. McGee.
- V. **PUBLIC MEETING:**
 1. **Citizen Input:** 1) Hollis Austin asked what the cost is currently projected for the Fox Hollow Road project. Carter replied that the Town's engineers will speak to this during the meeting. He added that presently there are a wide range of design variables with a wide range of cost. 2) Peter Jensen requested permission to approach Lakes Region Planning Commission to learn of their effort to deal with the milfoil problem. Ed suggested and the Selectmen agreed that he should contact the Town's representatives, Barbara Perry or Herb Farnham for this information.
 2. **Public Hearing: Acceptance of Funds – NH Electrical Cooperative:** Karel opened the Public Hearing at 7:04 p.m., stating that it was duly advertised, and the purpose is to allow the public to comment about receiving \$24,590 from the NH Electric Cooperative. Joel further explained that these funds are rebates from NH Electric Cooperative for the recent electric/energy upgrades to Town facilities. Carter told the Selectmen that the total cost will be approximately \$51,000 with \$1,000 not being covered by the NH Electric Cooperative (motion detector switches for lights, etc.). The Town will have spent \$26,000 out of the \$30,000 budgeted and anticipates a three year payback. Carter added that the Town is already seeing savings. Ed Made the Motion to accept \$24,590 from the NH Electric Cooperative and authorize the Town to expend these funds on the contract. Joel Seconded the Motion. The Motion carried Unanimously.
- VI. **NEW BUSINESS:**
 1. **Review for Approval: 2006 Tax Deeding Update:** Tax Collector, Susette Remson provided the Selectmen with a list of 15 taxpayers whose properties will be tax deeded if payment is not received by 4:00 p.m. on November 16, 2009. She has received requests from two taxpayers to enter into payment agreements with the Town in order to get caught up. If the Selectmen give their approval, then they will also need to sign a tax

deed waiver for each. Susette explained that if the tax payers are delinquent in their payments the properties will be tax deeded. Carter brought to the Selectmen's attention that two out of the 15 properties have title issues. One is a boat locker that has an IRS lien on it and it is unclear if a boat is stored in it. The other property gives a right of way to abutting properties and if the Town accepts the deed, it could be open to liability issues though those are mitigated to some extent by the Town's insurance. Karel asked if the Town is notified of liens placed on properties. Susette said that the Town doesn't receive lien notification; however we do notify the mortgage holder of the tax delinquency status. Karel commented that to her knowledge, the Town has entered into a tax payment agreement and tax deed waiver only once before. Betsey stated that she was against taking the property with a right of way and subjecting the Town to increased liability. Karel commented that she felt this would set precedence and that all tax deeding should be consistent. Joel Made the Motion to accept the two requests for payment agreements for account numbers W01940 and Q00059 and to waive the tax deed for both, and authorize the Chair to sign the agreements. Betsey Seconded the Motion. The Motion carried Unanimously. Karel reminded everyone that in past years, the majority of delinquent tax payers will pay before the deadline. Susette asked the Selectmen if she receives any other payment requests prior to the deadline if she can hold off on tax deeding action until the next Selectmen's meeting, November 19, 2009. Joel Made the Motion to allow payment requests be held until their next meeting, November 19, 2009 and all other properties to be tax deeded on November 16, 2009. Ed Seconded the Motion. The Motion carried with Betsey opposed.

2. Review for Approval: Application for Permanent Sign Permit, 484 Long Island Road: Joel Made the Motion to approve the Application for the Permanent Sign Permit, 484 Long Island Road. Ed Seconded the Motion. The Motion carried Unanimously.
3. Review for Approval: Disposal Agreement, George Correia: Betsey Made the Motion to approve the Disposal Agreement for George Correia at 23 Holland Hill Road. Ed Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: Application for Temporary Sign Permit, 78 Whittier Highway: Joel Made the Motion to approve the Application for the Temporary Sign Permit, 78 Whittier Highway, Fitness Edge. Betsey Seconded the Motion. The Motion carried Unanimously.
5. Review for Approval: Resignation from Joint Loss Management Committee – Hilary Bride: Karel and the Selectmen accept Hilary's resignation with appreciation for her efforts, adding that Kaitlyn Hull-Sampson will fill the opening.
6. Review for Approval: a) Request for Funds from JLMC; b) JLMC Request to Purchase Automatic Exterior Defibrillator & Training Class; c) Fall JLMC Staff Training November 24, 2009: Karel reported that the Joint Loss Management Committee is requesting \$2,000 from the 2010 budget to purchase an Automatic Exterior Defibrillator (AED) and training. Karel asked that this be placed in the Budget file. They are requesting to purchase an AED for \$749 from this year's budget. Betsey Made the Motion to authorize the JLMC to purchase one AED for \$749. Ed Seconded the Motion. The Motion carried Unanimously. The JLMC is also requesting \$300 for the staff fall training. Carter added that all Town Departments will be closed for a half day on November 24, 2009. Betsey Made the Motion to approve the JLMC request for not more than \$300 for the fall staff training to be held on November 24, 2009 and to close all Town Departments for a half day. Ed Seconded the Motion. The Motion carried Unanimously.

7. Review for Approval: DPW Review/Recommendation for Generator Bids: Highway Agent, Scott Kinmond reported that the Town received four bids and he has been working with the Town's electrical engineer to analyze and review them. The four bids received were from: E.J. Swasey, \$11,926, Abbott Electric \$16,619, Gemini Electric \$22,390, Interstate Elect \$25,750. His recommendation is to accept Abbott Electric's bid, a Moultonborough company, with a contingency binder. Their bid was \$16,619, and it is their recommendation to add a 15% contingency binder, with a total cost to not exceed \$19,112. Carter stated that the lowest bidder has only been in business for a short time and the generator they proposed is not truly meant for commercial use. Betsey Made the Motion to award the bid to purchase the Highway generator to Abbott Electric at a cost to not exceed \$19,112 and to authorize the Chair to sign the contract. Ed Seconded the Motion. The Motion carried Unanimously.
8. Review for Approval: FY 2009 Road Projects Update: Highway Agent, Scott Kinmond reported that work on the 2009 Road Projects for Krainewood Drive, Buttonwood Drive, Hanson Drive, Hanson Drive Extension, and Driftwood Drive are approximately 90% complete. He informed the Selectmen that they met some obstacles that required different action than what was originally proposed. In several areas full depth reconstruction was required in order to do the job right. Some of the roads had debris buried in them (stumps, large rocks, etc.) which had to be removed and we had to add several culverts. As a result of these changes it was decided to not work on High Haith this year, as the condition of the road has gone beyond shim and overlay and needs reconstruction. Blacks Landing Road needed to have the alignments corrected and scaled back to 170' and rebuilt to accept the 50' paved apron to the state highway. Scott reported that the increase in cost from the 2009 budget will be approximately \$40,000 to \$50,000; however he felt the Highway Department's budget will be able to absorb the increase. He reminded the Selectmen of his previous presentation to them and his goal of doing things the right way, which will in the long run keep costs down. Scott also reported that the 5 balers have been installed. The originally proposed glass bunker with an estimated cost of \$30,000 has been replaced with constructing a pole barn/shed which was recommended by the WMF supervisor at a cost of \$15,000 and which will be constructed this fall. The engineer is working on reconfiguring the window drops for paper, plastic, and cans with some kind of draft stop, with a cost of approximately \$10,000. For the shim and overlay of 580' into the WMF, they will use the 2009 Road Projects paving vendor, with a change order of \$14,000. The WMF construction is under budget at \$75,000 and the money can be carried over to the next budget. The Town Hall roof is 75% to 80% complete and they are now waiting to receive ordered parts. Carter brought to the Selectmen's attention that the Community Center's roof on the far left was re-shingled last year and doesn't exactly match the new shingle color. He added as the Town will not use Iko shingles again, this mismatch is the result. Also, Carter reported that the Lee's Mills project is out to bid with a project review of November 12th and bid opening on November 19, 2009. They will be requesting a permit to build a dock, as the state may not require that they use a coffer dam, therefore the money may be available. Betsey asked if the issues with the roof have been corrected. Scott reported that the engineer was called and has been overseeing the job and had the problem corrected. Carter told the Selectmen that the Town's engineer, KV Partners is in attendance to report on the status of the Fox Hollow project and the state's required study. As this discussion deals with possible real estate transactions, he advised the Selectmen to request a Non-Public Session per RSA 91-A:3 II (d). Engineers Ray Korber and Bob Rook presented three preliminary designs that are based on speed and property impacts.

The first design is based on 45 MPH with the left turn lane going westbound, requiring no change to the height of the road, but changing the slope of surrounding properties to allow for increased visibility from Fox Hollow Road. The 55 MPH design requires lowering Route 25 by 6', which the state requested that the Town consider along with the 45 MPH design. In expectation, the engineers designed a 50 MPH, with the road being lowered 2' 9" and expanding the northerly edge of the pavement, which will impact several properties and requiring the Town to secure easements the state has now also asked for 50 MPH design with all work done on the south side of the right of way (called 50 South). Carter stated that the 50 MPH South will require obtaining more surveying and authorizing the additional costs for the engineering designs of approximately \$10,000. He told the Selectmen that they have two choices: Tell the state 'No' and see what their response is or do the additional work and authorize the additional \$10,000 for the engineering work. He reminded the Selectmen that the agreement with the state is that they will pay 2/3 of the design cost. Karel asked how much has the Town spent so far and learned that approximately \$35-\$40,000 with the total contract at \$75,000. Karel commented that if the Town is unable to obtain the needed right of way, then the state won't reimburse. Carter reiterated that the Town can say 'No' to 50 MPH south and see what their response is. Betsey asked what the advantage is to each design and learned that there are impacts to property on each. The engineers stated that for some of the property owners there's been discussion about moving their driveway off of Route 25 and on to Fox Hollow Road. They added that they recommend talking to the one property owner first before going any further. Carter added that with the wide variety and options and the wide impacts to property, a rough estimate of cost is \$650,000 to \$700,000 for the 45 MPH and the 55 MPH is more. Betsey asked if the Town has the option to do nothing. Ray Korber added that the Town could open the entrance into Fox Hollow, which would only produce a minor safety improvement. Carter stated that this wouldn't solve the westbound problem of a car stopping to turn onto Fox Hollow Road. Karel stated that the project is more in depth than originally thought, even with the budgeted funds and stimulus money, it isn't feasible and she is not for eminent domain. Joel recommended going forward to see what can be done within the Town's budget and if it can't be done, then go back to the state and tell them to use the right of way through the DOT property. Ed expressed his concern that this has been a public issue and if not acted upon, the Town could be liable for any accident. Betsey expressed her belief that the Town needs to do something and the abutters need to be contacted to discuss the situation and hopefully come to an agreement. Carter informed the Selectmen that the engineers have met with one property owner who is an important factor to these designs. This person has requirements from the Town and that is why the Selectmen should go into Non-Public Session to discuss it further as it impacts future decisions. The Selectmen thanked the engineers for attending their meeting and providing them with the update. Ed asked that in the future, when the engineer is presenting a design to provide the Selectmen with a paper copy, as it is difficult to see the detail when presented on an easel.

VII. OLD BUSINESS: None.

VIII. OTHER BUSINESS:

1. Legislative Update: Betsey had nothing new to report.

2. Planning Board Update: Ed reported that last week's meeting was a long one, adding that they had a number of subdivisions to look at and commented that the quality of the land is not as good as in the past and requires much more attention to detail.
3. Administration Update: Carter had one item to report on, besides his weekly update. He was contacted by a member of the Red Hill Outing Club, telling him that someone has dumped rubbish on their land. They are requesting that the fee to dispose of such items at the Transfer station be waived. The Selectmen agreed by Consensus to waive the fee for the Red Hill Outing Club.
4. Planning Board Minutes, October 28, 2009: Acknowledged.
5. Joint Loss Prevention Committee Minutes, October 27, 2009: Acknowledged.

IX. PENDING: None.

X. CORRESPONDENCE:

1. Letters in Support of Milfoil Treatment Funding in Suissevale: Thomas & Patricia Silveira, Margie & Phil King, Donald C. & Judith Delano, Madonna Toto, Andrew Repyak, Roy Johnston, Alfred J. Melchionda, Mark Caples: Acknowledged.
2. David M. Gottesman, October 26, 2009: Karel reported that Mr. Gottesman letter expressed his concern regarding medical emergencies that occur on Shorewood Lane. After his family had a medical emergency with the Moultonborough's rescue squad responding with a positive outcome, he later learned that the Center Harbor rescue squad which is only a mile from his residence would not respond due to a protocol. Joel reported that there have been issues over the past few years. An agreement has been worked out with Center Harbor who will respond to Bean Road, Red Hill Road, but not past or down Moultonboro Neck Road. The Selectmen asked that Carter respond to Mr. Gottesman and provide him a copy of Chief Bengtson's email.

XI. CITIZEN INPUT: 1) Peter Jensen suggested to the Selectmen reducing the speed limit to 35 MPH on the section of Whittier Highway that is in close proximity to Fox Hollow Road. Doing so would also have a positive impact on Sheridan Road, and no impact to property owners. He added that this section of road is zoned commercially and would also have a positive impact on business owners. Joel commented that the problem would then be to get drivers to reduce their speed. Karel added that the section of Route 104 approaching New Hampton, had the speed reduced to 35 MPH and it is known as a speed trap, which has helped people to reduce their speed. The state would have to agree to do this. Ray Korber said that he would pass this idea to the state. 2) Hollis Austin asked if any tax payer money was involved in the reroofing of the Town Hall. Joel replied that the money was budgeted at last year's Town Meeting.

Ed Made the Motion for the Selectmen to go into Non-Public Session per RSA 91-A:3 II (d). Betsey Seconded the Motion. A roll call was taken: Betsey – Aye; Ed – Aye; Joel – Aye; Karel – Aye. The Selectmen went into Non-Public Session at 8:40 p.m.

The Board re-entered Public Session at 9:25 p.m. having voted, by greater than 2/3 majority to seal the minutes, as divulgence of the information discussed would likely render the proposed action ineffective, and to keep such minutes sealed until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

XII. ADJOURNMENT: Ed Made the Motion to Adjourn. Betsey Seconded.
Motion Carried Unanimously.
Karel adjourned the meeting at 9:26 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Office Secretary

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