

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

Selectmen's Meeting

December 17, 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 December 3rd, December 4th, December 10th and December 11, 2009 as written. Betsey Seconded. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Robert W. Howie, Carry J. Giroux, Shawn M. Mudgett, Maureen Cleary.
- V. **PUBLIC MEETING:**
 1. **Citizen Input:** 1) Hollis Austin referred to the budget workshop of the December 11th meeting, and told Karel that he appreciated her comment that these are hard times economically and the Selectmen's desire to be conservative for the upcoming budget. Mr. Austin repeated his question from the December 3rd meeting, asking if the Selectmen are level funding or cutting department budgets. Karel replied that the Selectmen have met with all departments and reviewed the proposed budgets; however it is still too early to comment. She added that they will meet again with a few department heads and expect to finalize the budget after the holidays. Mr. Austin added that it is good to see that the Selectmen have taken a conservative approach considering the state's recent LLC tax. He referred to DRA's meeting from last week on the LLC tax, with over 200 in attendance and the expressed feeling that this tax would hurt small business owners.
 2. **Jessica Stephens, MTA – Ski & Snowboard Trip:** Ms. Stephens told the Selectmen that MTA and the Recreation Department are co-sponsoring a ski and snowboard trip to Stowe, VT, planned for March 12-14, 2010. Jeremy French, a former MA student and Recreation Department employee will facilitate discussion on substance abuse. Donna Kuethe, Recreation Department Director told the Selectmen that the \$2,000 that is being requested from the Community Substance Abuse P&E CR Fund, will help reduce the per student cost and make it more affordable. She added that they tried to do this before, but the cost was too high. Without the requested funding, the cost per student would be \$270. Karel asked and Donna replied that they are planning on taking 20 students, but can take more. With the \$2,000 funding, any increase in the number will raise the cost per student, but it will still be helpful. Ed Made the Motion to approve the request from MTA & the Recreation Department for \$2,000 from the Community Substance Abuse P&E CR Fund for the ski and snowboard trip planned for March 12-14, 2010. Betsey Seconded the Motion. The Motion carried Unanimously.
 3. **ABC Quarterly Report 9/30/09 Town Expenditures:** Jean Beadle reported that the ABC has reviewed all Town departments and found that they are all within their budgets and

the revenue is where it should be for the year. Ms. Beadle informed the audience that the report is available on the Town's website along with hard copies at this meeting. The Selectmen thanked the members of the ABC for their time and effort as they have reviewed the Town's, School's and Library's budgets.

VI. NEW BUSINESS:

1. Opening of Bids: Annual Town Report FY 2009 – FY 2011: Karel reported that the bids for the Town's Annual Report closed today at 4:00 p.m. and would be opened. The results are as follows:
 - 1) Independent Color Press, Center Ossipee - 1st year \$6,689; 2nd \$6,789; 3rd \$6,889
 - 2) Wharf Industries, Concord – 1st year \$6,950; 2nd \$6,950; 3rd \$6,950
 - 3) Select Print Solutions, North Brookfield, MA – 1st year \$4,542; 2nd \$4,883; 3rd \$5,249
 - 4) Goodway Group of Massachusetts, Inc., Burlington, MA – 1st year \$4,500; 2nd \$4,500; 3rd \$4,500
 - 5) Elan Publishing Company, Inc, Meredith – 1st year \$5,312.50; 2nd \$5,471.88; 3rd \$5,581.32

Carter told the Selectmen that the bids will be reviewed and a recommendation will be made for the next Selectmen's meeting, January 7, 2010.
2. Presentation: Planning Board Re: Proposed Zoning Amendments: The Town Planner, Dan Merhalski presented his memo to the Selectmen which summarized the proposed ordinances for the 2010 Town Meeting. He told the Selectmen that the Planning Board with the Conservation Committee's assistance has drafted three out of the five ordinances that deal with stormwater, groundwater and steep slope conditions. He added that they are based on the state's model.
 - 1) The proposed Stormwater Management Ordinance purpose is to protect against stormwater runoff and pollution through erosion associated with new development/redevelopment and preserve groundwater recharge.
 - 2) The proposed Groundwater Protection Ordinance is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.
 - 3) The proposed Steep Slopes Ordinance is to reduce damage to streams and lakes from excessive erosion, stormwater runoff and flooding, preserve the natural topography, drainage patterns, scenic views, wildlife habitats and the integrity of the Town's drinking water supply from contamination through untreated, or uncontrolled stormwater runoff caused by developments in areas with slopes of 15% or greater.
 - 4) The purpose of the proposed Route 25 Dimensional Ordinance Amendment is to reduce the setbacks from Route 25 in the village Center to 25', and in zones A and B from 100' to 50' from the edge of the right of way.
 - 5) The proposed Repeal of Commercial Use Special Exceptions will remove the ability to receive a Special Exception, as opposed to a Variance for commercial uses outside of the commercial districts. Dan added that the Planning Board has worked on the Sign Ordinance, but due to his recent illness and ability to attend their most recent meeting, he was unable to update the Selectmen at this time. Joel asked for clarification regarding the setbacks for the Route 25 dimensional Ordinance Amendment. Dan reported that setbacks only along Route 25 in the Village Center and in zones A and B would be reduced. Betsey asked how this ordinance might affect the need to widen Route 25 by Fox Hollow. Carter answered that the widening of the road may have an impact. Judy Ryerson, Chair of the Planning Board, told the Selectmen that the goal of the amendment is to have the building close to the road with parking and traffic behind the building. Ed commented that these

ordinances came from the Master Plan survey as major concerns of Town residents. Karel asked and learned that there may be 6 questions on the Warrant at Town Meeting which may include the Sign Ordinance. The Selectmen thanked Dan for attending their meeting and the Planning Board for their work.

3. Review for Approval: NHDOT & MOU's on State Controlled Roadways: Carter reported that at a recent meeting with DOT's District 3 that he attended with Joel, they discussed the present status of the Memorandum of Understanding (MOU) with DOT, as a result of the formal review done by Lakes Region Planning Commission's study. DOT wants to do more than just Route 25. They want to expand the MOU to address all state roadways they have control over: Route 25, Route 109, Route 113, Route 171, Bean Road, Greens Basin Road, Moultonboro Neck and Long Island Roads. The state wants the Town to respond with a letter of interest and to create a draft of the MOU. Joel commented that the state wants to be informed and have input on important developments on Town roads which will result in affecting state roads. Karel agreed that it is important that DOT be kept informed and will benefit the Town. Carter added that the state would like to have formal interaction with curb cuts and the Selectmen would detail how this would occur. The Selectmen agreed, with Betsey recommending that the Planning Board should also have input. Ed Made the Motion to inform DOT that the Town is interested in entering into a Memo of Understanding for all state controlled Roadways. Joel Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: NHDOT & Fox Hollow Phase 1 & Corridor Concepts: Carter continued, stating that from the same meeting, DOT is willing to approve the design speed at the currently posted 45 mph as Phase 1 (Fox Hollow), however, they want the Selectmen to express the Town's understanding that in the future, the 85th percentile rule is what drives design concepts and that 55 mph to be known as Phase 2, must be pursued as the area is built out; costs must be borne, in part by the imposition of exaction and/or impact fees; attempts will be made to utilize design concepts to preserve the rural character of the roadway, this is a major east/west corridor and these concepts will carry across all the corridor improvements. Joel commented that the state is trying to design intersections to be safe, but in the future, meeting the 85th percentile may require the height of part of Route 25 be reduced by approximately 6.5', which will have a major impact on property owners. Joel added that he feels this isn't a good use of the Town's money. Any development along Route 25 will require meeting the 85th percentile, property will be taken and the developers will need to pay for it. Karel asked and Carter replied that every intersection will be looked at individually. He added that Fox Hollow will be the exception and in the future the Town will have to accept the design concept. The Planning Board has the authority for exaction/impact fees. Joel added that for any future developments, the state will want improvements to be made at the intersections with the developer bearing the expense. Betsey expressed her concern for the Planning Board and their ability to approve the developments. Carter replied that they have the authority to approve, but will have to have impact/exaction fees. Carter requested that the Selectmen endorse the December 7th letter written to James Marshall, DOT Engineer and memo of understanding to the Planning Board. The Motion was Made by Joel and Seconded by Betsey and approved Unanimously.
5. Review for Approval: DPW's Request for Road Sign Design Layout Review: Carter asked that this item be referred to tomorrow's budget Workshop, December 18, 2009. Approved by Consensus.

6. Review for Approval: Application for Permanent Sign Permit, 78 Whittier Highway – Winnepesaukee Wellness Center: Karel reported that the CEO recommends approval as it meets the ordinance. Joel Made the Motion to approve the Application for Permanent Sign Permit, 78 Whittier Highway. Betsey Seconded the Motion. The Motion carried Unanimously.
7. Review for Approval: Encumbrances FY 2009: Karel reported that the Selectmen are requesting budget carryovers to the Town's auditors for projects in the process or not completed during this budget year. Betsey Made the Motion to approve the carryovers of \$1,199,292. Ed Seconded the Motion. The Motion carried Unanimously.
8. Review for Approval: Disposal Agreement, Michael Kepple: Ed Made the Motion to approve the Disposal Agreement for Michael Kepple. Betsey Seconded the Motion. The Motion carried Unanimously.
9. Review for Approval: Citizens' Petition Request for Funds – Loon Center: Karel reported that the petition is requesting \$1,000 funds for the Loon Preservation Committee. Karel requested that the petition be placed in the Warrant file.
10. Review for Approval: NH DOT Highway Block Grant Aid 2010: Karel reported that the Town will receive from DOT in four payments a total of \$143,259.55. Carter estimated this is an increase from last year's payment of roughly \$17,000.
11. Review for Approval: Recreation Department's Request – Winter Solstice Bon Fire: Donna Kuethe, Director of the Recreation Department told the Selectmen that the Fire Department would be controlling the bon fire if approved by the Selectmen. Approved by Consensus. Donna added that all are invited to attend, December 18th at Playground Drive, 5-7 p.m., and they will be serving cookies and hot chocolate.
12. Review for Approval: Citizens' Petition Request for Funds – Milfoil Treatment, Ash & Salmon Meadow Coves: Karel reported that the petition requests funding for Milfoil treatment of Ash and Salmon Meadow Coves in the amount of \$5,420. Karel requested that this be placed in the Warrant file.
13. Review: Carroll County Estimate of Revenue: Karel reported that this is the County's estimate of the county's budget and the amount to be raised by taxes of approximately \$13,172,411. Carter commented that it is too early to draw any conclusions as the Town's percentage could change. Betsey reported that the county's budget has a \$0.0 increase and she felt that the estimate would be very close.
14. Review: NH DRA Education Tax Warrant Tax Year 2010: Karel reported that the Town's share for the state's education tax warrant is \$6,496,384.

VII. OLD BUSINESS: None.

VIII. OTHER BUSINESS:

1. Legislative Update: Betsey reported that the bills have been numbered and they may be viewed at the state's website, www.nh.gov.
2. Planning Board Update: Ed stated that he felt Dan covered the update.
3. Administration Update: Carter reported that other than his weekly update, he had one additional item for the Selectmen. He requested that the Selectmen extend the dates for performance of the Safe Routes to School from December 31, 2009 to March 30, 2010. Betsey Made the Motion to extend the performance time of the Safe Routes to School project to March 30, 2010, without any extra funding. Ed Seconded the Motion. The Motion carried Unanimously.
4. Public Library Board of Trustees Meeting, November 5, 2009: Acknowledged.

5. ABC Minutes November 19, 2009 & November 24, 2009: Acknowledged.
6. Milfoil Committee Minutes November 23, 2009: Acknowledged.
7. Planning Board Minutes December 2, 2009: Acknowledged.

IX. PENDING: None.

X. CORRESPONDENCE:

1. David A. Nave, December 1, 2009: Karel reported that in Mr. Nave's letter he acknowledges that the Town has brought action against him for parking a mobile home on his lot in violation of the Town's ordinance. He also states that he will resolve the problem appropriately and offers to pay the Town's court costs. Karel asked that the CEO receive a copy of Mr. Nave's letter.
2. Time Warner Cable, December 4, 2009: Karel reported that this is another letter from Time Warner informing them that they are discontinuing carrying cable channels due to their inability to renew or come to agreement with programmers. Joel reported that he heard that channels are increasing their costs. Karel commented that as channels are reduced, this will result in people switching to satellite.
3. Inter-Lakes Day Care Center & Nursery School, December 7, 2009: Karel acknowledged their letter requesting funds and Carter's telephone conversation with the director, advising them that a citizen's petition is required to be on the Town's warrant.

XI. CITIZEN INPUT: 1) Al Hume asked for the Selectmen to confirm that if they enter into the memo of understanding with DOT that the Town will be locked in. Joel replied that Fox Hollow will be the exception for the safety issue. However in the future, the Planning Board will need to require that any developers meet the state's requirement and this will be done with impact fees. Mr. Hume told the Selectmen that he recently requested a copy of a 15 page document from the Administration office. As the document had been originally emailed, he requested that he receive the copy also by email versus paying for the hard copy. Karel responded that any email can be altered, therefore this cannot be done. Mr. Hume then asked that the copying fee of \$.50 be reduced. Karel replied that the fee is based on covering the cost of staff time to research the document and then make the copy. 2) Peter Jensen requested that the Selectmen think carefully about the memo of understanding with DOT, as the present condition of intersections on Route 25 are now not safe and the Town shouldn't have to bear the cost for what was done in the past. He added that the speed limits now on Route 25 are not safe, especially by Sheridan Road. Karel understood his concern and thought that the Town should consider asking New Hampton how they had the speed limit reduced on Route 104 in their commercial area, which is now heavily patrolled, which has reduced motorist speed. 3) Ed Marudzinski asked if a citizen's petition is needed to show the state the Town's desire to reduce the speed limit. Joel commented that LRPC may be able to provide this information. Carter commented that the Town doesn't want to do a speed study as it will likely raise the speed limit to the 85th percentile, which is the rate of speed people drive. 4) Hollis Austin asked the Selectmen if they had a breakdown for the ski and snowboard trip. Karel replied that until they have the total number of students signed up for the trip, they won't have the figures. Betsey reminded Mr. Austin that the \$2,000 comes from drug and alcohol enforcement fees, not from the Town, and is a Capital Reserve Fund. Mr. Austin asked the Selectmen to consider ceasing being a member of the NH Municipal Government Center (LGC) as they are actually lobbyists and have been experiencing difficulties and by doing so, the Town would avoid being reflected upon negatively.

XII. ADJOURNMENT: Joel Made the Motion to Adjourn. Betsey Seconded.
Motion Carried Unanimously.
Karel adjourned the meeting at 8:30 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Office Secretary

Draft