

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

**Selectmen's Meeting**

**May 20, 2010**

**MINUTES**

Present: Selectmen: Joel R. Mudgett, Chairman, Karel A. Crawford, Edward J. Charest, James F. Gray, Betsey L. Patten and James F. Gray; Carter Terenzini, Town Administrator; and Hope Kokas, Administrative Assistant.

**I. CALL TO ORDER:** Joel called the meeting to Order at 7:07 P.M.

**II. PLEDGE OF ALLEGIANCE:**

**III. REVIEW/APPROVE MINUTES:** Karel made the Motion to approve the Minutes of May 6, 2010 as written. Jim Seconded. The Motion carried Unanimously.

**IV. NEW RESIDENTS:** Jeffrey L. Koniszewski, Bruce W. Pigott, Jr., Daniel W. & Lisa Davy, David P. Wright, Matthew W. Muscavitz, Sergio G. Cherin, Margaret M. D'Haene, Peter J. Connelly, Lee Anne & Michael S. Nixon.

**V. PUBLIC MEETING:**

1. Citizen Input: 1) Natt King, referring to his recent letter that he sent to the Selectmen, asked to address it now versus during "Correspondence". Mr. King stated that he is acting as a resident and not as a Planning Board member, read his letter into the Minutes (attached), regarding his concern over the question of the charitable exemption for the Lakes Region Conservation Trust. He asked the Selectmen to provide him with information regarding the law for tax exemptions and the Town's policies on granting such exemptions. Mr. King cited from the previous meeting, the Selectmen's concern regarding compensation of personnel, income, the tax revenue lost, and LRCT's lack of communication/participation in the reconstruction of a Town road. He suggested to fairly determine the tax impact of non-profit entities on a municipality is to conduct a cost of services analysis for all such properties that request a charitable exemption. Mr. King told the Selectmen that he is in support of the Town approving the Charitable Exemption for LRCT as it provides benefits to the Town through conservation and opening the property to the public. Joel responded he and the Selectmen do not have the answers to Mr. King's question at this time. He stated that for him, the question of the property being exempt has nothing to do with their lack of participation/communication in the reconstruction of Ossipee Park Road. Joel added that what he said at the previous meeting was that it was interesting that when the Board wanted to talk to LRCT about the road, nobody took the time to communicate with the Town. He felt it was interesting that when the question of approving the exemption came up, someone from LRCT was before them within the week, but when the Town wanted to talk about the road, there was hardly any response. Mr. King told the Selectmen that he was glad to hear this, but at the previous meeting there seemed to be a fixation with the compensation of LRCT employees. Joel informed Mr. King that this was brought up by Alan Ballard, and not the Selectmen. He added that he understands the amount of the salary given the

responsibility that goes with the position. Betsey commented that this has nothing to do with whether the Board likes or doesn't like LRCT, but they have the responsibility to oversee the approval of exemptions. She added that it was an important step that LRCT received approval to subdivide the property. Ed added that the Selectmen's concern of the charitable exemption has nothing to do with the Castle Preservation Society and its board, but LRCT's lack of response for the site plan, which was a safety issue, and it took 2 years for the Planning Board to receive it. LRCT and the Castle are part of the Moultonborough community. Don Berry, President of LRCT, reminded the Selectmen that they did submit a letter regarding Ossipee Park Road and didn't ignore the Town. Joel acknowledged this, but it took a long time to receive this. Ann Hackl, Chair of the Castle Preservation Society (CPS) told the Selectmen that up until eight days ago, the CPS didn't own the property, but they want to focus on the future and will work with the Town. Ms. Hackl explained that their Board's goal was to rebuild the business, rescue the Castle from neglect from a long period of time, and now to look forward and to work with the Town. She introduced Michael Desplains, their new Executive Director; Board members, Michael Mooney, John Merkel, Bea Edgar, Bob Stewart, and Pete Hare. The Board members are from Moultonborough, Wolfeboro, Portsmouth and Tuftonboro. Ms. Hackl wants the Selectmen to know what the CPS is about and what they are doing. She invited the Selectmen to tour the Castle in order to learn more about what they do, and most importantly about the restoration work. The Selectmen agreed to touring the Castle on June 1<sup>st</sup> at 9:00 a.m. and thanked Ms. Hackl and the CPS Board for attending the meeting. Ed commented that when he first came to Town he did a few weddings at the Castle, and he along with Cristina Ashjian expressed their concern about the poor condition of the Castle and he would love to see the full property restored. Ms. Hackl asked the Selectmen if members of the public should be invited along on the tour. Joel replied and the Selectmen agreed that they would prefer that just the Board be included and extended the invitation to the Town Planner. 2) Al Hume asked the Selectmen if the audience could receive details for such items on the Agenda as the engineering task orders, adding that this was done in the past. He stated that the School Board denotes items that are of public interest. Joel replied that they will give it consideration on certain items, but doesn't want there to be an argument on every item, as it makes the meeting too long. Mr. Hume agreed, but did ask the Selectmen to allow the public to ask questions. Joel replied that they will take it on a case by case situation and go from there, but doesn't want it to turn into every item becoming an argument. Betsey added that in the previous situation the Board wasn't able to get the Town's work done. 3) Steve Maguire asked the Selectmen if the Transfer Station has any guidelines on the compost open to the public. Scott Kinmond said that they aren't putting all of it out at once to allow equal access to all, but it isn't monitored who takes how much, etc. Mr. Maguire told the Selectmen that he's seen contractors taking the compost. Joel asked Scott to talk with the WMF Supervisor, Scott Greenwood to see what is happening and if he has any ideas, and if needed change the policy. 4) Natt King brought to the Selectmen's attention that the Chair of the Planning Board submitted their letter in support of approving the Charitable Exemption for LRCT with a vote of 5-1-1 (under Correspondence). 5) Hollis Austin commented that the question of taxing isn't the issue, but should be about reducing the cost of government. He asked about the problem with the Public Safety Building's slab floor and if the original contractor and clerk of the works have been contacted to resolve the problem prior to spending money by having the Town's engineer rectify the problem, as was the case with the electrical problem. Joel responded that they've contacted Chicoine Builders who has looked at the building and responded that it

isn't their problem. He added that they will hear the recommendations from the Town's engineer, but cautioned that if the radiant heat doesn't work that the problem will become very expensive. In addition, Joel told Mr. Austin at the time of construction of the Public Safety Building the Town didn't have a paid clerk of the works, but the committee chair took on this task.

## VI. NEW BUSINESS:

1. Review for Approval: Town Engineer Task Order - Public Safety Building: Carter responded to Mr. Austin's statement regarding the electrical problem, stating that half of the cost has been recovered from Chicoine and he expects the other half to be paid through an insurance claim. It is imperative that the Selectmen, after hearing the engineer's two recommendations, make a decision on one or the other. He told the Selectmen that Ray Korber of KV Partners has made two site visits along with their engineering soil scientist. Ray Korber told the Selectmen that there appears to be approximately 3 ½" of settlement in the center of the fire apparatus bay floor which are the wings of the building (60' deep) and there are low spots in the floor. The problem is most likely due to back fill material being placed on top of poor soils, or unsuitable back fill material was used or inadequate placement of soil and not compacted, or the perimeter drain around the basement wall is carrying the soils. The last option he felt was not likely. One solution is to excavate and replace with proper fill and pour a new slab, fixing the radiant heating system. He told the Selectmen that on their second visit, they saw sagging behind the fire apparatus bay, in the living area. The other solution is "slab jacking" which he explained is drilling holes into the floor and soil and injecting grout, which will put pressure under and lift up the floor. This is the less costly solution. He cautioned that the problem could exist that if there are voids, this process may not fill all of the voids and the slab continue to settle. Mr. Korber stated it is their recommendation to monitor the situation for six months, and if it doesn't move, then go ahead with the slab jacking. He said that the problem may be a seasonal one. Waiting an additional six months would show this. Doing a subsurface investigation, drilling two days, would provide good information to have for the contractor to accurately make a bid. This will require that the fire apparatus be out of the bay. Mr. Korber stated that they recommend monitoring the settlement. Ed asked about the records. Mr. Korber stated that besides the design drawings, there aren't a lot of plans for the building and they hope to learn more through researching the change orders. Betsey asked if they tried to blow out the perimeter drains. Mr. Korber replied that this was a good idea, but they weren't able to find any clean outs. Jim agreed that doing the borings would be crucial in order to go after the building contractor. Joel agreed that they need to know what is or isn't there. Carter recommended a mid level approach with doing the slab monitoring as soon as possible, committing to six months, and after two to three months; see what kind of response we get from Chicoine. At that time we're into July or August, and in September we can still get the apparatus out of the building, and if needed do the borings. The cost for the six months of monitoring should not exceed \$7,500. Joel agreed with Carter's recommendation, but by September the Town should be prepared to cut and excavate, and expressed concern over the time it takes to go out to bid and the time needed for the actual work. Mr. Korber agreed that it is a substantial job and will take time. Carter cautioned that there is a strong contingency fund in the budget, but there may not be enough money until the next Town Meeting. Betsey expressed that this could become an emergency and would like to monitor to August 1<sup>st</sup>, and then if needed do the bore holes

and then by September or October go out to bid. She asked and learned that the radiant flooring is on a separate zone from the rest of the building. Carter asked that the Chair be authorized to sign the task order to monitor for six months, and the engineer report back at the first Selectmen's meeting in August at a cost no more than \$7,500 and have the engineer report back to the Selectmen at that time. Al Hume asked if they used a monitor to check if the radiant heat has a pinch. He also asked if the water problem in the parking lot is contributing to the sagging slab. Mr. Korber replied that he doesn't think so, although it is possible that unsuitable fill was used in both places. The Selectmen were asked about cutting off the heat and using another heat supply in order to wait through the winter. Joel responded that the problem is too extensive to wait and it is affecting other areas. When asked how far the floor could possibly sink before more damage occurs, Mr. Korber replied that there now is a strain on the heating manifold. Jim asked and learned that the plumbing has been re-plumbed to allow for the sinking and is holding pressure. When asked how much weight is on the floor now, Joel replied that there are one or two ambulances in the bay at any one time. It was suggested to use cameras when doing the borings to see what exists. Mr. Korber replied that he didn't feel this would be useful information. Betsey Made the Motion to authorize the Chair to sign the task order for six months for the slab settlement monitoring at a cost to not exceed \$7,500, with the engineer reporting back at the first meeting in August, with a copy of their findings to be sent to Chicoin Builders. Ed Seconded the Motion. Carter said that the funds will come from the standard operating budget, but the Highway Department may need to come back to replenish what has been spent. The Motion carried Unanimously.

2. Review for Approval: Town Engineer Task Order - States Landing: Mr. Korber reported that due to a winter storm, the beach washed out. DES was contacted about what could be done in the short term and learned that the beach could be raked and the Town could apply for an excavation permit, which will take sixty days. The Town will have to apply for a standard dredge and fill permit, hopefully recover the material out of the lake and put it back on the beach. Both permits will be required. Scott Kinmond reported that the condition is beyond raking, as the center of the beach is damaged with a gully. They've placed stakes with caution tape and have advised the Recreation Department to not advertise that the beach is open. The boat ramps were not affected. Betsey Made the Motion to authorize the Chair to sign the task order for the engineering work for permitting at a cost not to exceed \$11,780. Ed Seconded the Motion. The Motion carried Unanimously.
3. Review for Approval: Town Engineer Task Order - Transfer Station GWM: Carter reported that this is a budgeted item. Mr. Korber reported that it is recommended that the Louis Berger Group be retained to complete the Notice of Termination and the ground water monitoring is part of a five year and two year permit. Betsey Made the Motion to authorize the Chair to sign the task order. Jim Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: Town Engineer Task Order - Fox Hollow: Mr. Korber presented a draft task order to the Selectmen with additional design work and redesign of the Fox Hollow Road itself. He reported that the road is not in the center of the right of way by the Berkoben property. Discussion has occurred with all of the property owners in the area. The Berkobens have requested to shift back to the center of the ROW to eliminate the impact on their property, which will impact the Sosa property. Retaining walls are needed and were not accounted for in the earlier plans. DOT is requiring that retaining walls are needed for the Lutkus and Berkoben properties. Mr. Korber commented that there has been a lot of back and forth between property owners and DOT. In fact DOT is

requiring that the subsurface contractor be put in the KV Partners' contract instead of the Town's. Carter informed the Selectmen that this would amend an existing task order. Betsey made the Motion, authorizing the Chair to amend the existing task order not exceed \$34,360. Ed Seconded the Motion. The Motion carried Unanimously.

5. Review for Approval: Request to Open New Section of Cemetery (S. Kinmond): Scott Kinmond, in his memo to the Selectmen, reported that there are now less than 10 cemetery lots available in the center section of Shannon Cemetery and requested that the northern section be opened to add an additional 68 lots. He also asked the Selectmen to consider raising the price of a cemetery lot from \$150 for a single lot to \$250 and from \$250 for a double lot to \$400. He has researched other towns' fees and found the range is from \$225 to \$1,100. In addition, he asked the Selectmen to begin thinking about setting aside funds to purchase land for another cemetery, as Shannon Cemetery is the only one remaining with lots available for sale. Joel asked if a public hearing was needed to raise the price of the cemetery lots. Carter recommended that the Selectmen approve of opening the 68 lots and he can research the question of the need for a public hearing. Ed Made the Motion to approve opening the 68 lots for sale in Shannon Cemetery. Betsey Seconded the Motion. The Motion carried Unanimously. Carter was asked to just go ahead and advertise a public hearing for the question.
6. Review for Approval: Striping, Etc. (S. Kinmond): Scott Kinmond, in his memo to the Selectmen, reported that the Towns of Moultonborough, Meredith and Center Harbor put out a request for bids for road line striping. Meredith put out the RFP package which is a 3 year contract and received three bids. He told the Selectmen that the lowest bidder was rejected due to a poor track record. Sir Lines-A-Lot Pavement Maintenance was chosen and the first year cost to the Town is \$9,792, which is lower than last year. Scott said that this was a savings in staff time, advertising, with a lower price and a cooperative effort between the towns. He added that Meredith has a lower insurance requirement than Moultonborough, but the vendor will have the higher insurance for our Town. Work will begin within 2 weeks and be done at night with Town staff support. Scott added that for the roads under construction, the vendor will come back at a later time to do the line striping. Carter asked that the Chair be authorized to sign the three year contract with the first amount of \$9,792. Jim Made the Motion to approve and authorize the Chair to sign the road line striping contract with Sir Lines-A-Lot at the first year cost of \$9,792. Betsey Seconded the Motion. The Motion carried Unanimously. Scott also asked the Selectmen to consider chip sealing for pavement preservation, using funds not used this past winter. He told the Selectmen that he'd like to test this process on Blake, Ferry, Ben Berry and Evans Roads, and Birch Lane. This process through the state's vendor is at 60% of the cost of 1" of asphalt. Joel asked about the cost and Scott replied \$46,200. Betsey Made the Motion to approve the chip sealing for the 5 roads at a cost to not exceed \$46,200 from the Road Materials account, authorizing the chair to sign the contract. Karel Seconded the Motion. Joel stated that he wants to create a process for any leftover funds to go to a roll over account to cover unexpected costs during hard winters. The Motion carried Unanimously. Karel asked Scott if the advertisement sign was taken down that was attached to the Moultonboro Neck street sign. He replied that it was referred to the CEO and was taken down.
7. Review for Approval: Tuition Reimbursement, Officer Peter John: Betsey reported that Heidi recommends tabling this request in order to have the supervisor sign the request and write a letter of support of the relevancy of the course work to the employee's position. In Heidi's memo she states that there is a policy and it isn't being followed. The Selectmen approved by consensus to table this item.

8. Review for Approval: Request Permit Town's Launch Ramps, Wally's Marine: Joel reported that this request is made yearly. Jim Made the Motion to approve the Wally's Marine request to use the Town's launch ramps. Ed Seconded the Motion. The Motion carried Unanimously.
9. Review for Approval: First Missionary Baptist Church, Religious Exemption; Taylor Community, Charitable Exemption; Moultonborough Historical Society, Charitable Exemption; West Wynde Retirement Community, Charitable Exemption: Betsey Made the Motion to approve the 2010 Religious Exemption for the First Missionary Baptist Church. Ed Seconded the Motion. The Motion carried Unanimously. Karel Made the Motion to approve the 2010 Charitable Exemption for Taylor Community. Ed Seconded the Motion. The Motion carried Unanimously. Karel Made the Motion to approve the 2010 Charitable Exemption for the Moultonborough Historical Society. Betsey Seconded the Motion. The Motion carried Unanimously. Karel Made the Motion to approve the 2010 Charitable Exemption for the West Wynde Retirement Community. Ed Seconded the Motion. The Motion carried Unanimously.
10. Review for Approval: Disposal Agreement, Robert Rohrer: Betsey Made the Motion to approve the Disposal Agreement for Robert Rohrer, 66 Iroquois Lane. Karel Seconded the Motion. The Motion carried Unanimously.

**VII. OLD BUSINESS:**

1. Radio Tower Lease: Tabled.
2. Lakes Region Conservation Trust, 2010 Charitable Exemption: Tabled.

**VIII. OTHER BUSINESS:**

1. Legislative Update: Betsey reported that the collar has been removed. They are trying to balance the budget, but can't get a revenue estimate in order to do this. She figures the deficit is \$300 million. Betsey reported that she is voting 'No' on everything. She expects that fees will go up. The Senate has sent over the gambling bill and encourages residents to let her know if they are in favor.
2. Planning Board Update: Ed reported that they will meet next week.
3. Administration Update: Carter, following up on Betsey's report, wanted people to know that "voting no" meant they want a conference committee, which is a 'Yes' for the Town. He asked the Selectmen if he could work with Betsey and the delegation to have DRA include an estimate of the increased taxes to be applied to the 1<sup>st</sup> tax bill versus putting it all on the December bill. Approved by Consensus. Carter also reported that the Town received a letter from a law firm informing that the Police Department is going to collective bargaining and asked that it be referred to Town Council. Ed Made the Motion to refer the letter from Holan, Perroni, Harrington, LLP to Town Council. Betsey Seconded the Motion. The Motion carried Unanimously. Carter added that other than his weekly report, he had nothing further to report.
4. Trustees of the Trust Funds Minutes, April 28, 2010: Acknowledged.
5. Zoning Board of Adjustment Minutes, May 5, 2010: Acknowledged.
6. Planning Board Minutes, May 12, 2010: Acknowledged.

**IX. PENDING: None.**

**X. CORRESPONDENCE:**

1. Time Warner Cable, May 10, 2010: Joel reported that this is the standard letter reporting changes in programming due to contract expiration and negotiations.
2. Joanne Coppinger, Planning Board Chair, May 13, 2010: Joel acknowledged the letter from Ms. Coppinger and that it has been addressed.
3. Natt King, May 17, 2010: Previously discussed.
4. US Dept. of Interior – LWCF Grant: Joel reported that the Recreation Department was awarded this grant for the playing fields at the old park.
5. Nolan, Perroni, Harrington, LLP, May 17, 2010: Acknowledged and discussed.

**XI. CITIZEN INPUT:** 1) Dorothy Berkoben asked if more information could be provided on the Agenda for the correspondence, to give the reader an idea of the subject matter. Joel stated that they would consider this. 2) Jim Morrison complimented Joel for allowing more citizen input. 3) Jean Beadle asked Betsey if she's heard anything about the state using \$160 million from the education funding to use to offset the budget deficits for 2010 and 2011. Betsey replied that she's not heard this, but wouldn't be surprised. 4) Bob Goffredo asked Carter about the letter sent to residents on and around Paradise Road regarding repairing the rest of the road and when would the next section be done. Carter responded that the Selectmen are going on a pay as you go or prefunded basis. Unless that policy is changed he can't tackle such projects (\$1.25 million) in a single year. Mr. Goffredo also asked about the condition of the entrance of the road. Carter replied that it will be patched for now and rebuilt during the summer construction.

**XII. ADJOURNMENT:** Karel Made the Motion to Adjourn. Ed Seconded.  
Motion Carried Unanimously.  
Joel adjourned the meeting at 9:24 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Administrative Assistant