

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

Selectmen's Meeting

February 17, 2011

MINUTES

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

- I. **CALL TO ORDER:** Joel 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 February 3, 2011. Jim Seconded the Motion. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Heather Gauthier, Jeffrey M. Taylor, Aberdine R. Donaldson, Eleni Larcombe.
- V. **PUBLIC HEARING, RSA 40:13 (SB-2):** Joel opened the public hearing at 7:03 p.m. and invited the public to speak to the warrant article question. 1) Don Muscavitz stated that SB-2 has been overwhelmingly voted down three times, and to rehash this question again is a waste of everyone's time. 2) Hollis Austin asked the Selectmen, when giving their opinion to step down from the Board and speak only as citizens. Joel replied that if he chooses to comment it will probably be as a Selectman and each Board member can decide. Betsey agreed adding that at the last meeting, she spoke as a Selectman, state representative, and as a citizen. The Selectmen all agreed that they were not in favor of Mr. Austin's request. 3) Sally Humer questioned why SB-2 is again a warrant article. She wondered why people are so passionate of SB-2 and first speculated that the "snowbirds" must be the group responsible and they must want to be able to vote. The Town Clerk told her that out of 3,733 voters only 200 request absentee ballots. This small number, which is .0535% of the Town's population, is not a reason to change from Town Meeting to SB-2. She concluded that this argument is a smoke screen. Hampton Falls has had SB-2 for a while and they'd like to get rid of it but haven't been able to do so. Ms. Humer said that three years ago Hampton Falls knew that there would be a downturn in the economy and really cut their budget for the Town's consideration. All of the voters at the deliberative session voted against it and this resulted in the default budget which was much higher than what the Selectmen had wanted. The percentage required to abolish SB-2 is very high and they haven't been successful in voting it out. She then talked to the Town Clerk in Epping which has 7,000 residents with only 1,500 voters. Epping is a town of first home buyers, with a lot of commercial properties. The town's administration is very familiar with SB-2 and has publicized and videoed the meetings to get the voters involved. Bare bones budgets are the only thing that will pass and questions such as fixing roads are put in as warrant articles, which are rarely ever passed. There has been no money for any improvements which has been going on for ten years. Ms. Humer stated that Moultonborough is a rich community that attracts people with money, and they expect services, and nice roads. If SB-2 is passed and the budget is cut severely then the quality of services will decrease. She said that for the first couple of years of SB-2, the deliberative sessions are well attended, however after the third year this number falls off, except for a hard

core group of people. In Epping the School Board tried to cut positions and this was presented in their budget. They had about fifty people attend the deliberative session, and a group of thirty five people for the past two years have put those positions back into the budget. She feels that the Moultonboro Tax Payers Alliance wants to have control of the Town through the deliberative session, which she felt was a nasty thing to do and she will do all that she can to be sure that SB-2 is voted down. The Selectmen thanked her. Joel added that the Selectmen and the Advisory Budget Committee (ABC) put in a lot of time and effort into the budget and for the past three years have kept it at a zero increase, which can't continue to go on without losing services. If SB-2 is voted in and results in a default budget, the Town will lose and go backwards. If no money is put into the roads which results in major deterioration, then it will be necessary to bond for twenty years, and before the bond is paid off the road needs to be done again. Joel believes as a citizen and as a Selectman, that there are a lot more voters who don't come to the Selectmen's meeting to complain and therefore they must be happy with what's going on. Karel reported that in Ashland only nine people attended the school's deliberative session. 4) Laurie Whitley asked to make a point of clarification regarding her letter that she sent to the *Meredith News* and *Evening Citizen* opposing SB-2 where she said that a majority of the voters voted it down over the last three years. On Tuesday there was a response to her letter questioning her use of the word majority. For the record Ms. Whitley said for the three years SB-2 was on the ballot, there were 2,182 people who voted "No" and 1,860 people who voted in favor. A vote of 54% against is a majority. At the school for the three years (09, 08, 07), a total of 2,000 voted "No" and 1,927 voted in favor. Again, 51% voted no which she interprets as a majority. Ms. Whitley wanted to make this clarification to avoid misinformation being circulated. Karel stated that she has always been against SB-2. As a Town official for the past eighteen years, nine as a Selectman, she recalls several years ago SB-2 was on the ballot for the school district and it didn't pass. While it is the right of the people to place SB-2 on the ballot, she agrees with Mr. Muscavitz and Ms. Humer that we can only vote "No" so many times. She feels that there is a serious flaw in the deliberative session as it doesn't give the voter the opportunity to vote if at the deliberative session they take a warrant article and reduce it to \$1 or to zero. If this occurs, then the question of voting "yes" to spend \$1 to plow private roads or "no", then regardless of how one votes, there is no money for the question. She gave as an example of there being a separate article asking for \$300,000 to fund the Library, with a small group against the Library who during the deliberative session reduces the dollar amount to zero, which would have a disastrous affect. She would rather see 200 informed voters at Town Meeting than 1,200 uninformed voters at the polls. Those who show up at Town Meeting are a diverse amount of people with varying opinions. Karel stated that she's never seen a warrant article be voted down to \$1 and it wouldn't be allowed or voted for. The Town Meeting form of government works and she questioned why people are trying to change it. Ed said he was disappointed that the SB-2 question came back again and that the petition was submitted so close to the cutoff date of February 1st. He felt that it was submitted at the last moment with the hope that those who oppose it will not be able to take any action against it. Ed said that if one believes in something then support it, don't try to sneak it in to avoid expressions against it. A town charter is something he's looked into, which is different from SB-2 and the Town Meeting form of government, which incorporates both, while allowing the charter to be created the way the town wants it. He had hoped to begin this discussion for next year, but now that the question of SB-2 is back it will have to wait. He noted that the Legislature changed SB-2's deliberative session, now requiring that the question stay intact, where in the past it could be voted to leave the warrant article with only, "To see". Ed felt that after the deliberative session, voters aren't given a full choice. He is in support of keeping the Town Meeting form of government and moving forward. Betsey said that back in 1995 and 1996 the SB-2 process began and she voted to allow

towns to have the choice versus having the state dictate the form of town government. She is opposed to SB-2 as she feels it creates a wedge in communities and if passed a part of Moultonborough will be lost. Town meeting is real democracy and gives the public the opportunity to question their Selectmen. Betsey added that she is speaking as a Selectman, State Representative, and a citizen. Ed announced he is again running for Selectman and has always tried to keep in mind what is best for the town. 5) Jordan Prouty said that he's been an elected official in Town for the past 18 years. He asked Betsey what was fixed by the Legislature for SB-2. Betsey replied that at the deliberative session, no longer can it be voted to reduce the question to only, "To see". The meaning of the question must stay. Karel added that she's looked at the statistics for towns with SB-2 (only 1996-2006 statistics are available). There have been 45 attempts to rescind SB-2 and only a few have been able to do it, as it requires a 65% majority. Joel commented that if you don't agree with the budget presented, don't re-elect the Selectmen.

As there were no further questions or comments, Joel closed the Public Hearing at 7:35 p.m.

VI. PUBLIC MEETING:

Citizen Input: 1) Hollis Austin asked for an update regarding the bake sale at the elections. Joel replied that the Women's Club will now conduct the bake sale, as the Women's Auxiliary changed their minds and didn't want to do it. Mr. Austin asked for an update regarding the need to hire an attorney to deal with labor issues and the recent article about unionization of the police officers. Joel replied that unfortunately they are unable to comment or unable to talk to any police officer about it. Upon Mr. Austin asking what the issues are and why the police officers are trying to unionize, Carter replied that the Selectmen and Administration can't speak to their motivation. 2) Steve Maguire asked who will decide if they can unionize and learned that the decision will be made by the Public Employees Labor Relations Board (PELRB). 3) Mr. Austin commented that an argument against SB-2 had been the concern that it might provoke unionization and it appears it is happening without SB-2. It was speculated by a member of the audience that perhaps they are concerned that SB-2 will be approved and that has led them to unionize.

VII. NEW BUSINESS:

1. Review for Approval: Citizens' Petition, Sandwich Children's Center: Joel asked that both citizens' petitions be placed in the budget file.
2. Review for Approval: Citizens' Petition, Inter-Lakes Day Care Center & Nursery School: To the budget file.
3. Review for Approval: Public Safety Building – Ground Penetrating Radar Report: Ray Korber of KV Partners, the Town's engineering firm, reported that they finished the ground penetrating radar in December and were unable to find any voids at a one foot depth. There is some degradation of the concrete resulting in settlement, but this might be occurring due to salt intrusion or misplaced rebar during construction. The goal of the GPR was to find a definitive answer without having to tear up the floor. A discussion occurred regarding the heat pipes in the floor in one particular area with temperatures around 150-160° vs. 110° and if this would result in degradation of the cement. Mr. Korber thought if this was the case they would see more degradation in more areas. As there aren't any voids, video cameras can't be used. Mr. Korber told the Selectmen that he has some recommendations that differ somewhat than what he had in his letter dated

January 31st. Through the slab monitoring the movement has been negligible. He suggested monitoring during the spring when the ground is saturated, i.e., March, April, May and maybe June depending on the water conditions. He also suggested looking at the foundation drains which are 8' to 10' deep to see if they are clogged with sediment and to get two sets of quotes from local contractors: one just for the fire apparatus side and another for the whole building. This will be costly. The question was asked how much has been spent and what the cost would be to replace the slab. The cost to date to monitor and the GPR is \$7,500. To replace the slab would be very expensive and in the 6 figure range. Karel felt monitoring should continue during the spring and if there isn't any more movement, then to wait and see. Carter said to continue the cost would be \$7,500 approximately and in the meantime, we would get quotes to dig up the foundation drains as recommended by Mr. Korber. Based on the question of if no further movement occurs, then how to repair what has settled, Mr. Korber said that he would recommend taking three to four borings and then slab jacking. Jordan Prouty offered his expertise in this area and would volunteer to assist in the project. The Selectmen thanked him for offering his service and will keep it mind. The Selectmen decided by consensus to continue monitoring, locate the foundation drains, obtain two sets of quotes to dig them up and then make a decision in August.

4. Review for Approval: Request to Abate Interest: Karel Made the Motion to deny the request to abate the interest. Betsey Seconded the Motion. The Motion carried Unanimously. Carter said he will send the tax payer a letter with their decision.
5. Review for Approval: Request for Tuition Reimbursement: Joel reported that Isaiah Nyberg, a Waste Management Facility Attendant, in his letter to the Selectmen is informing them that he will be taking college courses and is requesting tuition reimbursement. The Selectmen agreed that he would be eligible for reimbursement upon meeting the tuition reimbursement criteria.
6. Review for Approval: Victory Lane - Floor Amendment: Joel stated that at Town Meeting, he will make a motion to amend this article to accept the road only if the Town receives the site plan which will have all of the right of ways, all easements including water, all culverts, all plumbing, gas and electric. He asked Carter to send a letter to the sponsor of the citizens' petition. Carter asked the Selectmen to review the Town Planner's memo which raises some concerns before sending the letter. This will allow the wording of the amendment to include his concerns/requirements.
7. Review for Approval: Launch Request – NEPVA, States Landing & Long Island: Joel reported the New England Paralyzed Veterans' Association has been having a fishing tournament based at Camp Robindel for the past several years. The NEPVA has requested that the \$150 fee be waived and Joel supports this. Betsey Made the Motion to waive the Launch Request fee for the NEPVA for the period of September 10th, 11th, 17th and the 18th to use States Landing and the Long Island launch areas. Karel Seconded the Motion. Joel further explained that many citizens donate their fishing boats for the tournaments to allow the veterans to participate. Also the Nam Knights, a motorcycle club, attend and assist veterans, helping them to get in and out of the boats. He recommended that folks come and observe this wonderful event. The Motion carried Unanimously and the Launch Request was approved.
8. Review for Approval: Letter of Support Re: SB-3: Joel reported that the Selectmen are sending Senator Jeb Bradley a letter of support for the comprehensive pension reform (known as SB-3). Betsey explained that the House is attempting to do the same thing, but in smaller bills, versus one comprehensive package. She feels it will have a better chance of passing in the House in smaller versions.

9. Review for Approval: Blue Ribbon Commission's Request for Extension: By consensus the Selectmen agreed to extend the deadline for the Blue Ribbon Commission's report to April 15, 2011.
10. Review for Approval: Fee Setting, RSA 540:1, Actions Against Tenants: Carter explained that a new law exists as of January 1, 2011, that landlords with three or more units in a town must register where they can be served. The Town Clerk has researched what other towns are doing and has come up with a form and is requesting a recording fee be set. Her research found fees from \$5 to \$15. Carter recommended setting the fee at \$10 which appears to be mid range. Karel Made the Motion to set the recording fee for RSA 540:1 Actions Against Tenants at \$10. Jim Seconded the Motion. The Motion carried Unanimously.
11. Review for Approval: MPD Highway Safety Grants (4): Karel Made the Motion to authorize the Chair to sign the four grant applications from the Police Department for Highway Safety funds. Betsey Seconded the Motion. The Motion carried Unanimously.
12. Joel asked the Selectmen to reaffirm their decision to appeal the Labor Council's decision. Betsey Made the Motion to appeal the Public Employees Labor Relations Board's decision. Ed Seconded the Motion. The Motion carried Unanimously.
13. Karel asked the Selectmen if they want to take the ABC's recommendation of conducting department work flow studies. It was recommended to start with Development Services, the Recreation Department, Town Clerk and Tax Collector. Joel said he supports the recommendation and the Board agreed. Carter will forward their decision to the ABC and work with the departments on this, which should take place one department at a time.
14. Joel reminded the Selectmen that the Recreation Advisory Board has asked the Selectmen to appoint another member and have recommended Christopher Shipp, who has attended meetings regularly. Karel Made the Motion to recommend Christopher Shipp as a member to the Recreation Advisory Board. Betsey Seconded the Motion. The Motion carried Unanimously.

VIII. OLD BUSINESS:

1. Review for Approval: NH & FBI Criminal History Record Checks RSA 103-a & 103-b: Carter reported that HB252 did not pass and so he will work with Chief Dawson and should have this ready for the Selectmen in one month.
2. Review for Approval: Revised Cemetery Ordinance: Remains not ready for action.

IX. OTHER BUSINESS:

1. Legislative Update: Betsey reported that the house voted to not fund NH Public Television, repeal the Evergreen Clause, passed the Right to Work bill, killed the bill to do away with assessing statistical updates, and killed road salt certification requirements for private contractors. The Governor's budget is attempting to down shift funding to municipalities for public safety retirement funds. She believes the Legislature will push back on this one, as they want no more down shifting from the state to municipalities.
2. Planning Board Update: Ed reported that they met for a work session last week. He suggested bringing to the Planning Board the Town's requirements to adopt roads as previously discussed. Joel thought that was a good idea.
3. Administration Update: Other than Carter's weekly report, he had nothing to add. He was asked about the need for a work session on February 24th and he saw no reason to hold it. The Selectmen decided to cancel the work session on February 24th, 4 p.m.

4. Conservation Commission's Bylaws: Acknowledged.
5. Blue Ribbon Commission, January 31, 2011: Acknowledged.
6. Planning Board, January 31 & February 9, 2011: Acknowledged.

X. CORRESPONDENCE:

1. Time Warner Cable, January 7, 2011, Possible Program Changes: Joel reported that this was their usual letter of possible program changes and negotiations.
2. Senator Jeb Bradley, Town Hall Forum in Moultonborough, February 28, 2011, 7 PM: Joel reported that Senator Bradley will be holding a town hall forum on Monday the 28th, at the Moultonborough Town Hall. Betsey said that the Town's representatives will be there and this a good time for citizens to ask questions and to voice their opinions.

XI. CITIZEN INPUT: None.

XII. NON-PUBLIC SESSION: Betsey Made the Motion for the Selectmen to go into Non-Public Session per RSA 91-A:3 II (a), (b), and (c). Ed Seconded the Motion. A roll call was taken: Jim – Aye; Betsey – Aye; Ed – Aye; Karel – Aye; Joel – Aye. The Selectmen went into Non-Public Session at 8:41 p.m.

The Board exited Non-Public Session at 9:54 p.m. having voted by a vote of 2/3 or greater of the members present to not disclose the minutes and decisions reached therein to the public, as divulgence of the information discussed likely would affect adversely the reputation of any person other than a member of the public body itself, until - in the opinion of a majority of the members - the aforesaid circumstances no longer apply.

XIII. ADJOURNMENT: Karel Made the Motion to Adjourn. Jim Seconded the Motion. Motion Carried Unanimously. Joel adjourned the meeting at 9:55 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant