

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

Selectmen's Meeting

April 21, 2011

MINUTES

Selectmen: Selectmen: Joel R. Mudgett, Chairman; Edward J. Charest (absent with prior notice); James F. Gray; Betsey L. Patten; Russell C. Wakefield; Carter Terenzini, Town Administrator; Hope K. Kokas, Administrative Assistant.

I. CALL TO ORDER: Joel called the meeting to Order at 7:03 P.M.

II. PLEDGE OF ALLEGIANCE

III. REVIEW/APPROVE MINUTES: Russ made the Motion to approve the Minutes of April 7, 2011. Jim Seconded the Motion. The Motion carried Unanimously.

IV. NEW RESIDENTS: Patricia A. Enoch, Brandyn A. Wixon, Christine C. Blackburn, Thomas D. Maggio, Christopher Z. Cakars, Tyler s. Patram, Brian E. & Maria G. Wilks, Cecille J. Wilks.

V. PUBLIC MEETING:

Citizen Input: 1) Hollis Austin asked if the funds from the sale of the old street signs will be used to defray the cost of the state mandated new signs. Joel replied that the proceeds go back to the general fund. Mr. Austin then asked how much was realized from the sale and what was the cost of the new signs. Carter replied the proceeds from the sale was \$600 +/- (\$20 each sign) and the total cost for the new signs, brackets, posts, etc., was \$35,000. Joel explained that the break-away posts, which were recommended, are designed to break away in a car accident and are a safety feature.

VI. PUBLIC HEARING:

1. Proposed Amended Statement of Policy #14, Sale of Cemetery Lots & Cemetery Rules: Joel opened the Public Hearing and asked Scott Kinmond, DPW Director, to explain the proposed amendments to the policy. Scott reported that they reviewed several neighboring communities' cemetery policy. He added that the Town's cemetery deeds have varied and there needs to be uniformity. Kathy Nilson said that she's read the proposed policy and based on this, it would only allow one headstone per lot. When her family purchased their lot, it was their understanding that they could put two headstones on one lot. She asked the Selectmen to consider allowing 2 headstones on one lot as long as the total area of both stones meets the overall size limit of 48" long x 40" high x 14" wide. Joel asked Scott if what Ms. Nilson describes is allowed in other cemeteries and thought that it was a possibility as long as the size of the two stones stayed within the overall monument size limit. Betsey agreed that it was something to look at. Carter added that if the two small headstones were allowed, that there be enough distance between the two to allow maintenance and grass cutting. Joel added that they need to deal with pre-existing, while establishing the rules. Joel felt that the amended policy should affect new headstones being placed on previously purchased lots. Cristina

Ashjian brought to the Selectmen's attention that the language used in the proposed amended policy was inconsistent and could cause confusion. The Selectmen agreed to work on the policy at their work session on April 28th. Joel thanked Scott and the members of the committee for their hard work. Carter asked the Selectmen if they were willing to reinstate the sales of cemetery lots adding the following language, "Subject to the rules and regulations for the use thereof as shall be established from time to time by the town of Moultonborough by policy, ordinance or administrative order." Betsey Made the Motion to reinstate the sales of cemetery lots to include the described language. Jim Seconded the Motion. The Motion carried Unanimously. Carter then asked the Selectmen to consider having the Town record all cemetery deeds with a fee of \$20 to cover recording and postage costs. Betsey Made the Motion to require that all cemetery deeds be recorded by the Town with a fee of \$20. Russ Seconded the Motion. The Motion carried Unanimously. Carter asked for the Selectmen's consideration of the draft letter relative to one monument intruding on the Town walkway. Betsey expressed her concern over the proposed policy, making everyone conform without allowing grandfathering. Carter suggested revising the letter to read that headstones must be within the boundaries of the cemetery lot. On the second paragraph of the draft letter, changing the sentence in question to end with "...may reinstall a monument with the size specified within the original deed upon your lot." Betsey Made the Motion to approve the letter with the changes as specified. Russ Seconded the Motion. The Motion carried Unanimously.

2. Proposed Policy: Objectors to Herbicide Treatment of Milfoil: Joel asked Peter Jensen, Chair of the Milfoil Committee to explain the proposed policy. Mr. Jensen said that the proposed policy mirrors how the state deals with waterfront owners who object to herbicide treatment because they utilize lake water for their household use. Betsey asked that they table this for their next meeting. Hollis Austin expressed his concern that this policy is reactive and not instructive, describing other milfoil treatment options, such as the DASH units. Mr. Jensen explained that the state owns the water and this policy gives objectors an option. He added that herbicide treatment is preferred when densely infested and harvesting is not as effective. This policy spells out what the Town can do for those who object, by providing them with drinking water during the time of treatment. Betsey felt that the Town should mirror what the state has. Karin Nelson, member of the Milfoil Committee explained that it is not mandatory to have this policy, but last year at the last minute before treatment, people objected and the Town was without a remedy, therefore the area wasn't treated. Mr. Jensen said that the state won't modify the treatment and this policy aligns the Town with the state's program. Mr. Austin asked what the cost was for the two DASH units purchased by the three towns. Carter replied that the two units were purchased for a combined total of \$37,500, with \$28,000 being raised from grants. Joel reiterated that the DASH units are to be used when appropriate. Joe Sullo said that he's attended DES meetings and agreed that harvesting is not suitable for highly infested areas. Mr. Jensen added that the state has identified areas for herbicide treatment and harvesting and the Town needs to do what the state recommends. Mr. Austin asked the Selectmen to consider adding additional language to the policy to talk about other options. Russ commented that the state grants approval of the Town's plan and the policy mirrors what the state has. He felt that no changes should be made.

VII. NEW BUSINESS:

1. Presentation: Blue Ribbon Commission on Community Services & Facilities (Final Report): Joel thanked all of the members of the Commission for all of their work. He has spent time reading the report, but wants to read it over to fully understand their recommendations. Joel asked Erik Taylor, Chair of the Commission to speak to the report. Mr. Taylor explained their charge, adding that they held two public hearings one for input and one on the draft report, and reviewed existing reports and studies and prior proposals. Town and school staff were interviewed, along with a tour of all Town facilities. Land availability was sought within one and a half miles of the Town Hall, which was passed on to the Town Administrator. He introduced the members of the Committee: John Pendexter, Don McGillicuddy (and Carol Robbins, Richard Wakefield not present). Mr. Taylor said that the final report doesn't address every question, but addresses the need, which they viewed as an area that should be addressed to adequately provide current services/programs or near term services/programs. He said that it was hard to look far into the future or to estimate the future school population and they felt that they needed to address the current issues. Mr. Taylor said that not all space is adequate for everyone or every use. They found that the Recreation Department needs an indoor gymnasium on or adjacent to the school. They recommend rehabilitating the Playground Drive field, move the offices of the Visiting Nurse Service and Human Services to the present Community Center building, and establish a Human Services Information Team devoting a webpage for this purpose, and construct dividers and other equipment changes at the Lion's Club to improve the flexibility of usage of the existing facility. Don McGillicuddy said their report provides a time frame for each recommendation, with Playground Drive being the first priority with the money set aside for this purpose. Recreation and the school have devised a schedule to work around this. It was felt that it was very expensive to build a field on the Lion's Club property. The cost to build a gym for the Recreation Department should be kept moderate. Mr. Taylor added that it wasn't the Commission's charge to evaluate cost. The Playground Drive field needs to be fixed first before building a new field. John Pendexter said that his initial feeling was that Recreation wanted a new field built first before fixing Playground Drive, and once they realized that wasn't the Commission's recommendation, they then were able to work out a schedule. Mr. Taylor told the Selectmen that the school has asked the Commission to present the report to them, and asked the Selectmen if they were in favor of this. Joel said and the Selectmen agreed for the Commission to go ahead and meet with the school to review the report fully. Joel again thanked the Commission adding that once the Board has fully reviewed their report, then they will dissolve the Blue Ribbon Commission. Carter suggested and the Selectmen agreed to refer this to their upcoming work session on April 28th. He added that the land that was offered to the Commission, 13 parcels in all, is being referred to the Selectmen, three of which are appropriate for the school to consider, two for Conservation and one for the Selectmen's consideration. The remainder of the property offered appeared to not be of use to the Town. Mr. Jensen asked if once Playground Drive field is repaired, is their still a need for a new field. Mr. Taylor replied that this question did not come up. Jim commented it was his understanding that two years was needed for the field to cure. Carter replied that it depends on the timing of the work. If the work is begun in the fall, depending on the weather, it can be ready in a year, or as long as two years.

2. Review for Approval: NH DOT Pathway Phase II Project Close Out Form: Joel asked what would happen if they closed out the project, even with the repair work that needs to be done. Carter replied, the grant funding is done and won't impact the repairs. Jim Made the Motion to authorize the Chair to sign the Project Close Out form. Betsey Seconded the Motion. The Selectmen were asked when the repairs will start. Carter replied that they still need DOT's approval and, once received, he expects they can start within four weeks. It's proposed to extend the paved shoulder on both sides, and work on the high maintenance problem areas first. The Selectmen agreed that Phase III will not be considered until Phase II is repaired. The Motion carried Unanimously.
3. Review for Approval: Request to Expend Re: Town House MTF: Joel reported that the Historical Society is requesting that the old school and Town house be painted with a few minor carpentry repairs. Carter reported that the buildings have been looked at and the repairs are a little more than what the Historical Society reported. In addition, it is necessary to test both buildings for lead paint. He requested that he be authorized to spend up to \$3,000 from the Maintenance account for the lead paint test and the minor carpentry repairs for the two buildings. Betsey Made the Motion to authorize the Town Administrator to spend no more than \$3,000 for testing both buildings for lead paint and minor carpentry repairs. Jim Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: DPW's Proposed Equipment Lease and Service Contract: Carter reported that they have been working on this and have two more changes for the Selectmen to consider. Town Counsel added "Service Contract" and on the last page there are two changes for fuel usage rates. The contract requires the Chair to sign and the Highway Agent. Betsey Made the Motion to approve the Equipment Lease and Service Contract as presented, and authorized the Selectmen Chair and the Highway Agent to sign the contract. Jim Seconded the Motion. Russ asked about the insurance requirements that are required. Scott reported that it is higher than the standard, but it is required by the Town's insurance company. Carter agreed that they need to look at the insurance required, as he's seen other towns' contracts, also with Primex without any insurance deductible requirement. Joel agreed. The Motion was carried Unanimously.
5. Review for Approval: DPW's Request to Authorize Purchase of 40K GVW Dump Truck: Scott reported that the bid from International Liberty through the state's bid package is the least expensive by \$6,000 to \$8,000. Joel asked if it covers all of the specifications and learned that it did, except for the installation of the radio and lettering. The trade-in of \$6,000 was the highest bid received. Betsey Made the Motion to authorize the purchase of the 2011 6-wheel dump truck with plow, wing, dump body from International Liberty in Manchester (#8000828) to not exceed \$142,000 (which includes the trade-in) and to authorize the Highway Agent to finalize the purchase and sales agreement. Russ Seconded the Motion. The Motion carried Unanimously.
6. Review for Approval: Task & Change Orders Re: FY 2011 Road Program: Scott Kinmond asked the Selectmen to consider the change order for the 2010 road projects, which remain. The change order would include the shim and overlay paving of Eagle Shores Road and Birch Lane and are based on an adjusted per ton pricing, with an increase of \$6.18 per ton for machine and hand methods. Russ asked if this would change the 2011 road project and Scott replied that it would not. Betsey Made the Motion to approve the change order to not exceed \$276,000, authorizing the Chair to sign. Russ Seconded the Motion. The Motion carried Unanimously. With the change order resolved, Carter now asked the Board to authorize the chair to sign the task order with KV Partners for the 2011 Road Program in an amount not to exceed \$35,000. Betsey Made the Motion to authorize the Chair to sign the change order for the 2011

Road Project. Russ Seconded the Motion. The Motion carried Unanimously. Finally, Carter asked for the Selectmen to approve the task order to not exceed \$1,625 for the services of Promised Land Survey, LLC, to survey Sheridan Road and authorize the Chair to sign the agreement. Betsey made the Motion to approve the change order to not exceed \$1,625 and authorize the Chair to sign the agreement. Russ Seconded the Motion. The Motion carried Unanimously.

7. Review for Approval: Request for WMF Brush Disposal Fee: Joel reported that Scott Greenwood, WMF Supervisor, is recommending charging .05¢ per pound for dumping of commercial brush. 75% of all brush disposed of is from commercial haulers. Betsey Made the Motion to approve the fee of .05¢ per pound for commercial brush disposed at the WMF. Russ Seconded the Motion. Carter recommended the fee be effective as of June 1, 2011. Joel felt and the Selectmen agreed that it should be effective as of May 15, 2011 which was adequate notice time. The Motion carried Unanimously.
8. Review for Approval: Disposal Agreements; Fullerton, Dow, & Clinton: Betsey Made the Motion to approve the Disposal Agreements for Mark Fullerton, Bill Dow, and Stuart Clinton as defined in each agreement and authorize the Chair to sign. Jim Seconded the Motion. Carter commented that they should update this form to include composted milfoil. A discussion occurred about the viability of milfoil seeds and time required for the seeds to decompose, etc. Carter said that he will research the question for the Selectmen's consideration.
9. Review for Approval: Request for Vendor's License: Carter reported that it has been the Town's policy, although the Town does not have an ordinance, to prohibit vendors from selling their wares on Town property. Russ asked that we check with the other towns that Home Town Treats operates out of, Alton, Wolfeboro and Tuftonboro for information about the business. Betsey agreed that was a good idea. Joel said and the Selectmen agreed that they continue their policy of prohibiting vendors from operating on Town property.
10. Review for Approval: Temporary Use Permit, 240 Gov. Wentworth Highway: Jim said that he abstains from the vote, as it is his application, and will answer any questions the Board may have. Joel reported that Buckey's Restaurant is making the request for extension of food and drink service using a tent for Motorcycle Weekend and this is the same as they've done in the past. As both Police and Fire Chief's have no objection, Betsey Made the Motion to approve the Temporary Use Permit for 240 Gov. Wentworth Highway for June 16, 17 and 18, 2011. Russ Seconded the Motion. The Motion carried Unanimously.
11. Review for Approval: Launch Request, Bass Federation, States Landing: Betsey Made the Motion to approve the Launch Request for the Bass Federation at States Landing, September 24th and 25th with the stipulations as outlined by the Police and Fire Chiefs. Jim Seconded the Motion. The Motion carried Unanimously.
12. Review for Approval: MTA Request for Funding After Prom Events: Jessica Stephens requested \$8,650 from the Community Substance Abuse P&E CR Fund for the after prom event. The plan is for students to be transported to the prom via coach and then to be returned to the Academy for after prom events. So far they have 70 students signed up, which is an increase from last year. Betsey Made the Motion to approve \$8,650 to the MTA from the Community Substance Abuse P&E CR Fund for the after prom event. Jim Seconded the Motion. The Motion carried Unanimously. Mr. Austin asked if the Selectmen review the activities of the MTA. Joel replied that they don't, but he feels that if it saves one teen from being in a serious accident or an untimely death, then it is well worth the money. Nancy Wright told the Selectmen that she was unaware that the

Academy had a substance abuse problem until she attended Town Meeting and the discussion occurred about the Police SRO. She wanted to know if the MTA activities were effective. Betsey referred her to the MTA and to SRO Baker for this information. Scott encouraged Ms. Wright to meet with Mike Lancor and felt that the MTA has been successful. Ms. Wright continued by saying the Selectmen should know this information and requesting a dialog on the subject. Joel replied that this is the territory of the School Board. He added that Ms. Wright's continued insistence on such questions and dialog is one reason why the Selectmen chose to limit public input, as it impedes their ability to get their work done in a reasonable time. Mr. Austin agreed with Ms. Wright that more information is needed.

VIII. OLD BUSINESS:

1. Review for Approval: NH & FBI Criminal History Record Checks RSA 103-a & 103-b: Carter reported that this item continues to not be ready for action.

IX. OTHER BUSINESS:

1. Planning Board Update: No update available.
2. Administration Update: Carter reported that other than his weekly update, he did not have anything else to add.
3. ABC Minutes, March 14 & 28, 2011: Acknowledged.
4. Milfoil Committee Minutes, March 29, 2011: Acknowledged.
5. Visiting Nurse Service Board of Directors Minutes, April 5, 2011: Acknowledged.
6. Zoning Board of Adjustment Minutes, April 6, 2011: Acknowledged.
7. Planning Board Minutes, April 13, 2011: Acknowledged.

X. CORRESPONDENCE:

1. Time Warner Cable, April 8, 2011, Possible Program Changes: Joel reported that this is their usual letter of possible program changes.
2. Eric Taussig, April 7, 2011, Sign Ordinance: Joel reported that Mr. Taussig's letter concerns the Sign Ordinance. He added that it is not the Selectmen's business to waive Town Counsel privileges for the Planning Board. It has been the Town's practice to not release Town Counsel information, which Joel and the Selectmen agree should continue to stand. Carter asked the Selectmen and learned that the draft of his letter to Mr. Taussig was agreeable.

- XI. CITIZEN INPUT:** 1) Kathy Nilson thanked the Selectmen for their consideration regarding Shannon Cemetery and the Cemetery policy. Joel apologized for the time it has taken and thanked Ms. Nilson and her family for their patience. 2) Hollis Austin asked why there wasn't a Legislative Update. Joel replied that he and Betsey have agreed to have a Legislative Update the first Selectmen's meeting of every month. He added that when she's here on Thursday nights she has a lot to think about for the Town's business. It is difficult to remember everything that occurs in Concord. When asked how this report started, Joel replied it began when Betsey became a Selectman, as a courtesy to her.

- XII. NON-PUBLIC SESSION:** None needed.

XIII. ADJOURNMENT: Betsey Made the Motion to Adjourn. Russ Seconded the Motion.
Motion Carried Unanimously.
Joel adjourned the meeting at 9:21 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant

Draft