

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

Selectmen's Meeting

June 2, 2011

MINUTES

Selectmen: Selectmen: Joel R. Mudgett, Chairman; Edward J. Charest; 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 7:00 P.M.
- II. **PLEDGE OF ALLEGIANCE**
- III. **REVIEW/APPROVE MINUTES:** Betsey made the Motion to approve the Minutes of May 12th, May 19th and May 26, 2011. Ed Seconded the Motion. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Jason P. & Tamara J. Patterson, Julia V. Brown, Jennifer L. Bouton.
- V. **PUBLIC MEETING:**

Citizen Input: 1) Nat King, on behalf of the Planning Board, told the Selectmen that by a unanimous vote, they are in favor of hiring an interim planner. The system that is now set up works well. In addition, the Planning Board feels that the process that was used during the last planner search also worked well. What is presently proposed for the makeup of the search committee is for one Planning Board member and they are requesting that at least two members sit on the committee. Mr. King added that the Planning Board felt that the proposed members of a local town administrator and staff from LRPC should be advisory only, and the committee should be made up of Moultonborough residents only. Betsey recalled that during the last search she felt the Planning Board wasn't happy as they were not involved in the final interview process and the Selectmen made the final decision. She added that she wants to avoid conflict and set up the parameters. Mr. King stated that the Planning Board felt that the last search went well based on the candidate that was hired. Betsey reiterated that she feels the Selectmen make the final decision. Russ asked Mr. King what the benefit would be of having two Planning Board members versus one. Mr. King replied that the job centers around the Planning Board and their members are better able to convey what the job requires. Jim asked if it was correct that the Zoning Board of Adjustment voted to not have an interim planner. Carter confirmed this, adding that on Tuesday the four chairs of the Master Plan, CIPC, Heritage and Conservation Commission have elected Joanne Coppinger, Chair of the Planning Board to represent them. As Ed will represent the Selectmen and also is a Planning Board member, Tom Howard is representing the Planning Board, and with Joanne Coppinger representing the four committees, this makes three Planning Board members on the search committee. Ed commented that although he stated he was not in favor of hiring an interim planner, he has changed his mind. The daily cost of \$500 sounds high, but when one looks at the cost of labor, it really isn't out of line. Ed stated that he is comfortable with the three that have been selected. Mr. King agreed, adding that he was not aware of the three that had been chosen. He speculated that the reason the ZBA wasn't in favor of hiring an interim is due to their smaller work load, but reiterated that an interim is needed for the Planning Board. Russ asked if the individual interested in taking the

interim position is still available. Carter replied he would be able to start next week. Joel asked and Mr. King confirmed that the Planning Board is satisfied with the three members chosen for the search committee. Betsey asked and received confirmation that the Planning Board does not oppose the Selectmen making the final decision. 2) Kathy Garry, representing the Historical Society, suggested that the theme for the July 4th parade be, "Let's Celebrate!" The Selectmen agreed that it was a good theme. Betsey and Ed thanked Kathy for her work and also for the American flag that flew in Iraq, sent by her husband Bruce, which was presented to the Town at the Memorial Day parade. Betsey added that Sally Carver has the flag and plaque and will be working on the display. 3) Hollis Austin, referring to last week's work session and Scott Kinmond's presentation on the repairs being made to the Public Safety Building, asked if he could report periodically about the situation during Selectmen meetings, which has a higher attendance. In addition, he asked for an explanation of why these problems exist. Joel responded that when the PSB was being built, as a member of the Building Committee he voiced his concerns on several occasions. Basically the problems exist due to corners being cut and things not being done properly. They have found that the 6" drainage pipe has been crushed in places by large rocks and the more they look, the more they are finding. It was decided to pull the pipe out, to replace all of it and do it right. Patching the crushed pipe wouldn't work. The problem with the roof at the PSB is due to not using ice and water shield in areas and also ice dams. The bottom line is they are trying to fix it and make it right. As done with the electrical problem at the PSB, they will try to recoup the cost from the contractor and the Town is involved in a lawsuit for the roof shingles against the manufacturer. Ed added that having the proper oversight eliminates problems and contractors cutting corners. 4) Steve Maguire asked and learned that there was a clerk of the works, and further questioned where his notes were. Joel said that he agrees and this is part of the problem. 5) Nat King asked who the building contractor was and Russ replied that it was Chicoine Builders from Weare, NH. 6) Hollis Austin asked again if Scott Kinmond can report during Selectmen's meetings about the work occurring at the PSB. Joel replied that they will ask Scott to come in on occasion, but not every meeting. 7) Nancy Wright asked and learned that Mark Temkin was the clerk of the works for the PSB construction, who also acted as Chair of the Building Committee, and was a member of the Planning Board. 8) Hollis Austin, referring to the previous meeting and his request that the word "progressive" not be used in the advertisement for the town planner, commented that the word was in the advertisement in the newspaper. Joel commented that if the Town isn't progressive, then there is no need for a planner. Russ told Mr. Austin that his suggestion at the last meeting was noted, but the majority felt that the word progressive does describe Moultonborough. He added that the voters elected them to make these decisions. Mr. Austin responded that they should set aside their personal feelings and do what's right for the Town. Joel and the Selectmen agreed that they've received no other complaints on this issue. Russ suggested Mr. Austin read the Master Plan which directs them to be more progressive.

VI. NEW BUSINESS:

1. Presentation: MPD Plaque of Appreciation to Jean Tiffany's Family: Communication Specialist Linda Eldridge and Sergeant Canfield on behalf of the Police Department presented a framed uncut copy of the 2011 MPD's "Cop Card" poster to the family of Jean Tiffany, her daughters Cheryl Tiffany and Linda Noonan and her husband Ken. Ms. Tiffany was a participant of the MPD's Good Morning Program, which is for seniors living by themselves where they check in with the MPD in the morning. Ms. Tiffany had developed a strong relationship with the Police Department and was loved by all. She generously made a donation to the MPD's Relief Association which is used to fund the

- third series of police trading cards. Ms. Tiffany passed away last June and the 2011 cop cards list her as a sponsor and reads, "In loving Memory of Jean Tiffany 4/23/33-6/4/10".
2. Personnel Announcement: NHMMA/LGC Fellowship: Carter introduced Michael Branley, the Town's first fellow, who is completing his master's degree in Public Administration at UNH. He is one of three academic fellows through this program (one at Waterville Valley and one at Derry) with the goal of providing exposure to local government. Mr. Branley's fellowship is for 600 hours, to conclude the end of September, with a cost to the Town of \$2,750. Joel welcomed Mr. Branley. Mr. Branley thanked the Selectmen for this opportunity and expressed his eagerness to learn. Russ asked about the sounding board for Mr. Branley and Carter responded that it is set up as proposed in the grant application. Russ expressed his concern that in the press release it states that besides the study of the SAU Athletic Department and the Town's Recreation Department, the fellow's time will be spent on studying ABC items. He asked when these ABC's items were discussed to be added to the fellow's study areas. Carter replied that this had been discussed, and explained that the Athletic/Recreation Department question should require only 150 +/- hours and in order to meet the grant requirements, it was needed to add other study areas. Joel said that the question was discussed. Betsey agreed but added there were no decisions made. Russ asked Carter for a copy of the grant application.
 3. Review for Approval: Fire Warden Ed Maheaux, Non-Payment of Fire Bill: Ed Maheaux requested that he meet with the Selectmen in Non-Public Session to discuss this matter. The Selectmen agreed by consensus to add this item to their Non-Public Session at the end of the meeting.
 4. Review for Approval: Citizen at Large Re: Town Planner Screening Committee: Carter reported that this has been advertised and they have received only one response from a volunteer, Joe Skiffington. Russ felt that as Mr. Skiffington is a developer, that this was a conflict of interest. Betsey commented that there are many developers in Town and this individual could bring balance to the committee. Nat King commented that the Planning Board considers developers as customers and their input of the process is an important perspective. Hollis Austin asked if they are looking for a member at large versus a developer. Betsey replied that they are looking for a volunteer and so far only one has volunteered. Betsey Made the Motion to appoint Joe Skiffington as a Member at Large member of the Town Planner Screening Committee. Jim Seconded the Motion. The Motion passed with four ayes and one nay (Russ).
 5. Review for Approval: Interim Town Planner: Carter stated that based on the Planning Board's recommendation of hiring an interim planner, he requested that he be authorized to contact and contract with David Holden for no more than a total of \$20,000, or \$500 per day for no more than two days a week, to come from the Town Planner's salary and benefit budget. Betsey authorized Carter to contract with David Holden for the interim Planner position to not exceed \$20,000, from the Planner salary and fringe benefits. Jim Seconded the Motion. The Motion carried Unanimously.
 6. Review for Approval: Public Hearing Re: Revised 79-D Barn Easement Policy: Carter reported that there have been no changes made in the draft. He requested authorization to advertise the public hearing for June 16, 2011, 7 p.m., which will also be posted on the Town's website. Russ asked if the policy states who is to pay for the recording fees. Cristina Ashjian, Chair of the Heritage Commission, directed Russ to the policy and identified the section where it states the property owner is responsible for these fees. Agreed by Consensus. Carter asked that if the Selectmen have any changes to forward them to him no later than Monday.

7. Review for Approval: Public Hearing Re: Disposition of Tax Deed Properties: Carter reported that initially there were 15 properties, of which 6 were unknown owners. He was advised that because the statute states that the waiting period for tax deeded properties is for 10 years, for owners unknown we should wait for this term. He defers to the Tax Collector and Town Counsel. The Selectmen are required, by the policy to hold 2 public hearings and then wait for a period of 14 days prior to acting to sell the lots. He requested authority to advertise the public hearings for June 16th and June 30th and then wait until July 15th to act. Carter informed the Selectmen that the Assessor recommends a minimum price for the Ben Berry lot or wait to sell it until the market improves. Three of the lots (#'s 5, 6 and 7) the Highway Agent recommends be sold subject to the Town retaining certain slope easements, etc., and they are working on the language. The other lots should have a right of first refusal to the abutters. There was a discussion about how the lots should be sold and when any changes can be made. Carter explained that the Selectmen can make changes after the second public hearing date, based on the public hearing information received. Betsey Made the Motion to authorize the Town Administrator to advertise the public hearings for the tax deeded properties (sale #'s 1-9) for June 16th and June 30th, 7 p.m. Ed Seconded the Motion. The Motion carried Unanimously. Ed asked if the lot the Highway Department wants to place easements on is buildable. Carter replied that alone it is not, but if merged with an abutting lot then it would be.
8. Review for Approval: Library Board of Trustees Appointments: Russ Made the Motion to appoint Laurie Whitley and Richard Geden as alternates for one year. Betsey Seconded the Motion. The Motion carried Unanimously.
9. Review for Approval: NH Liquor Commission, Murphy's Village Store: Carter reported that he has received no negative comments from the Police Department, Code Enforcement or the Fire Department. The Selectmen all agreed that they had no issues and were glad to see the store re-opened. Carter will send a letter to the Liquor Commission.
10. Review for Approval: Disposal Agreements, Kessler & Davis: Betsey Made the Motion to approve the Disposal Agreement for Stephen Kessler as specified and authorized the Chair to sign. Ed Seconded the Motion. The Motion carried Unanimously. Ed Made the Motion to approve the Disposal Agreement for Ronald Davis as specified and authorized the Chair to sign. Betsey Seconded the Motion. The Motion carried Unanimously.
11. Review for Approval: CIPC Appointments: Carter reported that the term for Alternate, now held by Peter Jensen, is due to expire June 30, 2011. In order to space out the terms, the alternate term would expire in three years, June 30, 2014. He added that there remains a second alternate opening to be filled if desired. Betsey Made the Motion to appoint Peter Jensen as Alternate to the CIPC, with the term due to expire June 30, 2014. Jim Seconded the Motion. The Motion carried Unanimously.
12. Review for Approval: Request to Unmerge MBLU 175-013, Kretschmann: Russ told the Selectmen that he has done some research on this issue and found that this lot had been owned by Gisela Kretschmann and another person, then 100% of the interest was transferred to Kretschmann. Per the Zoning ordinance at the time the lot was merged with the non-conforming lot known as Sticks and Stones Road. The present owner has been paying taxes on this lot which had been 6 acres (now 5.6 acres due to remapping) since 1987 without question. Betsey reported that HB316 if approved and signed by the Governor would prohibit involuntary mergers and would allow an owner to request that their lot be unmerged. Russ felt that this shouldn't apply to this case as it is an existing lot and merged in 1985. Betsey restated that it was done involuntarily and the law, if

approved, will be retroactive and in effect until 2016. The Town will have to put a notice in the Annual Report informing property owners of the new law. Carter reported that the issue has been reviewed by Town Counsel, Town Planner and the Assessor. The Selectmen asked that Town Counsel respond to the letter from Attorney Regina Nadeau, representing Gisela Kretschmann.

13. Review for Approval: Milfoil DASH Services: Carter reported that he had been relying upon NH Lakes being able to come to agreement with the IMA Joint Board regarding insurance which complies with Moultonborough's requirement, however this wasn't the case. A service contract was approved between the NH Lakes Association and the IMA, but it does not meet our standards. As the insurance that the Town requires is not available it is suggested that we contract with the IMA for 60 days of DASH services as requested by the Milfoil Committee. Carter requested a deposit be made to the IMA Joint Board for \$36,000 and authorize him to sign the commitment letter. Areas to be treated are Harilla Landing, and Blackey and Salmon Coves. Betsey Made the Motion to authorize Carter to sign the commitment letter with the IMA Joint Board for 60 days of DASH services and payment of \$36,000 as a deposit. Ed Seconded the Motion. The Motion carried Unanimously.

VII. OLD BUSINESS: None.

VIII. OTHER BUSINESS:

1. Legislative Update: Betsey reported that the Right to Carry Without a Permit was passed and incorporated with the Ward Bird Bill, allowing one to show a weapon when protecting their private property. For retirement purposes, 1,300 hours per year was determined for part-time employment. The Senate is looking to raise this number. Charter school funds will be forwarded directly to the schools. The requirement of having photo identification in order to vote was approved. The Comprehensive Shoreland Protection Action was amended with the regional greenhouse initiative. The Landlord/Tenant Action requiring certain landlords to register their address, for service of notices with the Town Clerk was repealed. SB-2 adopted the spending cap, allowing a percentage amount of increase to be approved at Town Meeting. The constitutional amendment for the cost of an adequate education is on the table for discussion with the Senate. The Right to Work bill was vetoed by the Governor. The House and Senate are working to overturn this. Joel asked for more information on the I.D. requirement to vote. Betsey said that there will be three elections before this becomes effective. People will be required to have proper I.D.'s and if they vote without one, they will be given a provisional ballot and given three days to obtain one and return with the proper I.D. She added that she would get the exact language of the law. Barbara Wakefield, Town Clerk, told the Selectmen of the information she's received, explaining that it will cause problems, will extend the time for the ballot count, and increases the likelihood of fraud. Russ expressed his displeasure to Betsey that the state is over-controlling. Tom Howard asked the Selectmen to exorcise the changes to REGGI from the CSPA changes and to advocate for the protection of our lakes. Steve Maguire asked Betsey if Moultonborough will be a donor town again. She explained that there is a collar on it for two years and the next step is to vote for a constitutional amendment.
2. Planning Board Update: Ed reported that they looked at a site plan for the new Mexican restaurant. They will be holding their public hearings for the site plan and subdivision regulations.

3. Administration Update: Carter said that other than his weekly update, he did ask Betsey to advocate for the state to meet its present obligation of funding their present percentage for the retirement of police, fire, and teachers. The Governor's budget does not include this amount, the Senate does not, but the House does. He reported that the Pole Tax Exemption is over and they will now be taxed.
4. Zoning Board of Adjustment Minutes, May 18, 2011: Acknowledged.
5. Planning Board Minutes, May 25, 2011: Acknowledged.
6. Planning Board Policy Regulations: Acknowledged.
7. Zoning Board of Adjustment Policies: Acknowledged.

IX. CORRESPONDENCE:

1. Time Warner Cable, May 18, 2011: Joel reported this is their usual letter of possible program changes.
2. Mark J. Donovan, May 21, 2011, Abutter's Fence: The Selectmen agreed that this issue should be referred to the Code Enforcement Officer and if he feels there is not action to be taken, then a letter should be sent to Mr. Donovan informing him that this is a civil matter. Discussion occurred over if a fence is considered a structure. Carter reported that in the Town's ordinance there is no language that speaks to height or if it is a structure.

- X. CITIZEN INPUT:** 1) Peter Jensen reported that 48 acres of milfoil is ready to be treated on June 8th. DES feels that the late spring has caused the milfoil to come up late and we should expect more in the fall. Betsey thanked Mr. Jensen and the Milfoil Committee for their hard work. Carter reported that he's been in contact with two objectors to the herbicide treatment. 2) Hollis Austin asked if Harilla Yacht Club and Duck Trap Cove will be treated with the herbicide. Mr. Jensen replied that 1.4 acres would be treated. 3) Nancy Wright asked and Mr. Jensen confirmed that there was a signed contract.

- XI. NON-PUBLIC SESSION:** Ed Made the Motion to go into Non-Public Session per RSA 91-A:3 II (a)(b)(d). Betsey Seconded the Motion. A roll call was taken: Jim – Aye; Betsey – Aye; Ed – Aye; Russ – Aye; Joel – Aye. The Selectmen went into Non-Public Session at 9:01 p.m.

The Board exited Non-Public Session at 10:15 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.

- XII. ADJOURNMENT:** Betsey Made the Motion to Adjourn. Jim Seconded the Motion. Motion Carried Unanimously.
Joel adjourned the meeting at 10:16 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant