

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

Selectmen's Meeting

June 16, 2011

MINUTES

Selectmen: Selectmen: Joel R. Mudgett, Chairman; Betsey L. Patten; Russell C. Wakefield; Hope K. Kokas, Administrative Assistant.

Excused: Selectmen: Edward J. Charest, James F. Gray; Carter Terenzini, Town Administrator

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 June 2, 2011. Russ Seconded the Motion. The Motion carried Unanimously.

IV. NEW RESIDENTS: Michael J. Famiglietti, William H. & Linda N. Ridenour, Troy A. & Amanda L. Lewis, Taramarie Kjergaard, Roger C. Kay, Susan Stengel, Gerard E. Gosselin, Betty M. Sanborn, George R. Randall, Jonathan M. Golstein, James C. & Alison D. Wenhart.

- V. 1. Public Hearing: Revised 79-D Barn Easement Policy:** Joel opened the Public Hearing at 7:05 p.m. and asked if the public had any questions. Cristina Ashjian, Chair of the Heritage Commission told the Selectmen that she met with Ed after the last meeting and would like to provide clarity to the policy and change the wording of page 2, section 4, under B, from "...based upon the formula..." etc., changing it to, "...based upon the Heritage Commission 79-D Abatement Evaluation." Ms. Ashjian explained this is how it started out and the previous Town Planner called it a worksheet or evaluation. This would also require changing attachment B (page 7), changing the title to 79-D Abatement Evaluation, which is consistent with page 6 at the top. Attachment A is the internal Town checklist and Attachment B is the worksheet or evaluation that the Heritage Commission prepares for the Selectmen's review. Joel asked that this be tabled for the next meeting to allow all of the Board members to vote on it.
- 2. Public Hearing: Disposition of Tax Deed Properties:** Joel asked if the public had any questions. Russ suggested, based on the information submitted by the Tax Collector, that there be no minimum bid required for parcel #8, due to the RSA which allows the Town to recoup fees, back taxes, interest, legal/recording costs, and up to 15% of the assessed value for administrative fees. If a \$40,000 minimum is put on this lot the Town may not get it and have it put back on the tax rolls, which is most important. Any excess over the fees the Town is allowed to collect must be submitted to the court in a petition form and they are given back to the previous owner. Towns are not allowed to make any money on tax deeded sales. Joel and Betsey agreed. Russ Made the Motion to remove the minimum bid for parcel #8 and change the press release to read, "Parcels #1 - #8 would be sold without a minimum sale price..." Betsey Seconded the Motion. Tom Howard expressed his concerns that selling these lots through sealed bid was not the best process of exposing these lots to the market in order to actually get bids. He asked if the abutters of these lots have been notified. Russ replied that it is the Town's policy to give first right of refusal to the abutter, and in most cases it benefits them the most, especially the

substandard lots. The policy does this consistently for all tax deeded parcels, regardless of size. Mr. Howard agreed, but continued to question the process and asked what they were using as a definition of an abutter. Does this mean someone across the road? Russ replied that it would be a direct boundary abutter. Mr. Howard then asked how you prioritize the bids of abutters. Russ replied it would be the highest bid of the abutters. Mr. Howard felt that this process was not open to the public and four of the properties have right of first refusal by either the Property Owners of Suissevale Association or the Balmoral Association. He knew that Balmoral must act within 3 days, but didn't know how long Suissevale has to exercise their right of first refusal and or how long the abutters have to exercise their right. The Selectmen didn't know and will find out for the next public hearing scheduled for June 30, 2011. Russ commented that the Selectmen's goal is to get the properties back on the tax roll, and not getting the highest price possible, adding that any extra that the Town collects goes back to the owner. Mr. Howard then asked how much time a prospective buyer is given to research the property. Russ replied that the properties are being sold as is, and it is up to the buyer to do the research. Betsey further explained that the law changed in 1998, limiting what the Town can keep in a tax deed sale. Mr. Howard further asked if the deeds will include language that the lot cannot be further subdivided. Joel stated that if the lot is eligible for subdivision and not substandard then he feels the abutter shouldn't be given right of first refusal. Mr. Howard asked about the policy and thought that it would be a good idea to have it available at the next public hearing on the 30th. He then asked about Evans Road, reserving the rights for lots 5, 6, and 7 for the first 25 feet by the road frontage, would this amount of reserved land be eliminated from the lot size calculation. Joel agreed that it was a good question. The Motion carried Unanimously. Joel concluded that the required minimum sale price for lot #8 has been eliminated. Joel closed the public hearings.

VI. PUBLIC MEETING:

Citizen Input: 1) Hollis Austin asked if the Town has joined the IKO lawsuit for the defective roof shingles. Joel said he thought that was the case, but wasn't sure which building or if both (Town Hall or Public Safety Building) were included in the lawsuit. Mr. Austin then asked if it was determined that the shingles on the PSB had been properly vented or had the same insulation problem as the Town Hall. Joel replied that he didn't think that anyone has identified the problem.

VII. NEW BUSINESS:

1. Review for Approval: Temporary Use Permit, 1018 Whittier Highway: Betsey Made the Motion to approve the Temporary Use Permit for 1018 Whittier Highway, the Moultonborough United Methodist Church's annual church fair for June 25, 2011 and to waive the fee due to their non-profit status. Russ Seconded the Motion. The Motion carried Unanimously.
2. Review for Approval: Labor Counsel Contract Renewal: Russ asked if the hours exceed six per month or for the year. Joel replied it is per month and due to the police union request and personnel issues, it has been helpful to have town counsel specializing in labor laws. Betsey Made the Motion to renew the contract with Rice Law Office, P.L.L.C. on a monthly basis as suggested in the letter received from Attorney Anne Rice. Russ Seconded the Motion. The Motion carried Unanimously.

3. Review for Approval: Re: Local Project DOT Agreement for Fox Hollow: Joel reported that the Town had tried many different options to obtain easements in an attempt to meet property owners' requests on Route 25, but in the end were not able to satisfy anyone. DOT was asked to obtain the needed easements. Russ asked if the DOT Agreement matches the KV Partners' task order. Betsey said that there was a meeting on June 2nd with DOT and KV Partners with Carter and Ed in attendance. Stewart Lamprey told the Selectmen that he was present at the meeting and expressed his disappointment that no one else that attended the meeting was present to speak about the DOT Agreement now before them. As a result of this, Mr. Lamprey left. Betsey Made the Motion to authorize the Chair to sign the DOT Agreement once Russ has had the opportunity to meet with Carter in order to be sure that the DOT Agreement and KV Partners Task Order agree. Russ Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: Re: Fox Hollow Task Order: Betsey Made the Motion to approve the KV Partners Task Order and to authorize the Chair to sign it once Carter reviews with Russ the DOT Agreement and Task Order to insure that they agree. Russ Seconded the Motion. The Motion carried Unanimously.
5. Review for Approval: Request for No Parking Zone at Lee's Mills Launch: Joel reported that they have received this request for a no parking zone in front of the launch site at Lee's Mills, adding that the Police Department and Department of Public Works have reviewed the request and are in agreement. Betsey felt that they should first post a temporary no parking sign and then have a public hearing on the question. Joel and Russ Agreed. Betsey Made the Motion to hold a public hearing for June 30, 2011 on posting a no parking zone at Lee's Mills Launch as depicted in the sketch presented. Russ Seconded the Motion. Scott Bartlett asked if this would be only seasonal or all year long and thought that it should be posted that alternative parking is available. Allen Hoch told the Selectmen that this was his suggestion, explaining that people launch their boat and then pull straight ahead with their trailer and park. This leaves others very little room to maneuver. The area is 40' in front of the launch site. The Motion carried Unanimously.
6. Review for Approval: Conservation Commission Appointment: Joel reported that the Conservation Commission has recommended appointing Peter Jensen, now an Alternate to a full Member to fill Paul Schmidt's term. A Motion was Made by Betsey to appoint Peter Jensen to the Conservation Commission as a member with a term to expire January 30, 2012. Russ Seconded the Motion. The Motion carried Unanimously.
7. Review for Approval: Disposal Agreement, Leighton: Betsey Made the Motion to approve the Disposal Agreement for Brian Leighton of 12 Leighton Lane as specified on the agreement. Russ Seconded the Motion. The Motion carried Unanimously.
8. Review for Approval: TA Authority Re: Milfoil Hand Pulling Contracts: Peter Jensen, Chair of the Milfoil Committee told the Selectmen that they are requesting to not go through the bidding process when hiring contractors to hand pull milfoil. He explained that there are four vendors and at this time the Committee would like to get an idea of how each contractor works, adding that the work will be piece meal, and this will give them a chance to try them all out. Next year they will be better equipped to write an RFP based on this year's experience. They are asking that the Selectmen give the Town Administrator authority to contract with the four vendors and to not exceed \$5,000 per vendor. Mr. Jensen said that the lowest price they've received is \$450/day and the highest is \$700+/-/day which includes the use of a small DASH unit. Betsey asked when the work will be done and learned from Karin Nelson that they hope by the beginning of July. Betsey Made the Motion to waive the bidding process and to approve a fee to not exceed \$5,000 for each of the four milfoil hand pulling vendors for the 2011 year,

authorizing the Town Administrator to sign the contracts. Russ Seconded the Motion. Discussion occurred when Ms. Nelson told the Selectmen that in the future they hope to cut down the herbicide treatment and do more with the DASH units and hand pulling. She added that the four vendors may pull so much that they will spend the \$5,000 quickly. Hollis Austin asked if there was a special tool required for hand pulling and learned that there is not. Mr. Jensen said that hand pullers must be certified by the state and this program is run by diving instructors. He added that milfoil roots can be as long as 6" in silty areas. Russ asked who will verify the quality and quantity of what is being pulled. Mr. Jensen said that they were looking for volunteers to do this, but committee members are all committed to doing this if needed. Russ suggested that the Milfoil Committee contact people involved with milfoil at the Squam Lakes Association. Mr. Jensen said he's had conversations with SLA and they didn't seem to be interested in working on Lake Winnepesaukee. The Motion carried Unanimously.

VIII. OLD BUSINESS: None.

IX. OTHER BUSINESS:

1. Board Liaison Reports: Joel reported that this change in the Agenda is to allow members to report on the various boards and committees. No one had anything to report this week.
2. Administrative Update: Joel stated that as Carter is attending the LGC meeting, he has nothing to report other than his weekly report. Russ reported that Carter did send the contract regarding Michael Branley's fellowship which refers to the study of the Recreation Department and the School Athletic Department as being a major portion of the fellowship. He felt that Carter should understand that the focus of the fellowship should be the major project and done first. If there is time and money available then look at the minor projects. Russ said that in his conversation with Mr. Branley he said he was told by Carter that he should work on the minor projects first which is not what the Selectmen agreed to. Betsey commented that in her discussions with Mr. Branley the major project is the Recreation/School question and the other project he'll be looking into is looking at the housing that the Human Services Director uses with her clients to insure that it is adequate, which is another minor study he will work on. Looking at the reserve funds or outsourcing is not something he'll be evaluating. Russ pointed out that in Carter's weekly update of June 6th, he states on the 1st page, 2nd paragraph, "The decision to not apply fund balance to reduce the tax rate proved to be spot on. As of the week before tax bills went out we would have been down to roughly \$600k in working capital without that decision." He said that during his previous experience as Selectmen there hadn't been any cash flow problems and felt that Carter's statement indicates that there is a cash flow problem. Russ felt because of Carter's comment about cash flow, that this justifies quarterly tax billing and other things. In that same update, Susette reported that the first week of tax collection they had received \$740,000. Russ stated that the Town has a good revenue stream and it is up to the Selectmen to spend the money appropriately. If they anticipate a problem, then don't spend the money. He felt it isn't necessary to come up with another mechanism to insure money is coming in on a timely manner. There is no problem if it is spent correctly, adding that this is the way it's been done for years. Joel recalled that two years ago the Selectmen took out a little too much to offset the taxes to keep the tax rate the same. At tax time, money was tight and they were considering borrowing money. Joel felt this was what Carter was referring to.

Betsey felt that quarterly billing isn't worth doing in the long run. She added that Carter provides them with information and it is up to the Selectmen to decide. Russ said that at one of the ABC meetings the consensus was that bonding and/or bonding with quarterly tax billing would resolve the problem. Also in Susette's report that her office is being asked to send copies of tax bills to local addresses as they are now summering here versus being at home and don't want to wait for the mail to be forwarded. Russ felt that this is a lot of extra work and tax payers should take responsibility. Betsey said this is up to Susette, as she is an elected official. Hope explained that Susette is trying to get the tax bill to where it needs to go, adding that she too deals with this problem. She stresses that the tax bill should go to where a person resides, adding that it isn't mandatory to be as aggressive as we are with the mailing addresses, but it eliminates problems later.

3. Zoning Board of Adjustment Minutes, June 1, 2011: Acknowledged.
4. Milfoil Committee Minutes, June 1, 2011: Acknowledged.
5. IMA Joint Board Meeting for Aquatic Nuisance Plant Control, May 18 & June 1, 2011: Acknowledged.
6. Capital Improvements Program Committee Minutes, June 1, 2011: Acknowledged.

X. CORRESPONDENCE:

1. Time Warner Cable, June 1, 2011: Joel reported this is their standard letter of possible program changes.

XI. CITIZEN INPUT: 1) Cristina Ashjian invited all to attend the Heritage Commission's presentation on Barn Preservation, June 21, 2011. Russ suggested that they contact Neil English who restores barns. 2) Dick Bartlett asked what the status was with Time Warner. Russ said that Ed was going to talk with them. Joel replied that he was unsure if any progress has been made.

XII. NON-PUBLIC SESSION: Not needed.

XIII. ADJOURNMENT: Betsey Made the Motion to Adjourn. Russ Seconded the Motion.
Motion Carried Unanimously.
Joel adjourned the meeting at 8:25 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant