

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

Selectmen's Meeting

June 30, 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 June 16, 2011. Russ Seconded the Motion. Peter Jensen asked the Selectmen to amend the minutes under New Business, #8 and page 4 to change the 6" to 6'. Betsey Amended her Motion to so reflect this change and Russ Seconded it. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Robert S. Nedeau, Randall M. Bickford, Mary B. Lee, Jason P. Rodgers, Thomas M. Tobin, Sharon D. Satnick.
- V.
 1. **Public Hearing: Disposition of Tax Deed Properties:** Joel opened this second Public Hearing. Russ and the Selectmen thanked Susette Remson for compiling all of the costs for the eight parcels. Joel reported that at the prior meeting, they were under the impression that if a parcel sells for more than what is owed the Town; the excess must be paid to the former owner. This is incorrect. As long as the Town holds on to the property and the three year redemption period has ended, then any excess can be kept by the Town. Tom Howard thanked the Selectmen and Carter for researching his questions and said he received Carter's memo. Mr. Howard feels that the policy offering lots to abutters of non-conforming lots doesn't say at what price. If an abutter chooses to not exercise his right of first refusal, they still have that right at the bid price, however the Property Owners Association at Suissevale has a 30 day right of first refusal and Balmoral's Association has 3 days. Mr. Howard felt that abutters have a disincentive to bid. In addition, he felt that a due diligence period for the highest bidder should start after the time period for the associations' right of first refusal has expired. He felt that the Town's policy of "buyer beware" was poor. Russ asked if he felt the 5 week period before the auction/sealed bid was insufficient. Mr. Howard replied that he feels the due diligence period should begin after the bid was awarded. Susette commented that Suissevale will only exercise their right of first refusal if they know that no abutter wants to acquire the lot. She felt the policy is clear and if an abutter doesn't bid then they're out. Betsey asked if the published notice now out has the language of right of first refusal. Carter replied that it does not, but the next release will. Betsey said that the policy's intent is to extinguish non-conforming lots and to get them back on the tax roll. The right of first refusal is triggered only when another offer is on the table. The Town's policy of selling the lots "as is" is not uncommon. Betsey added that the Town shouldn't accept bids if people can back out, and after three years of holding these lots, providing due diligence time is not necessary. Joel felt that if an abutter doesn't bid then they lose

their right of first refusal. Betsey agreed and wondered if they needed to work on the policy before selling the lots. Carter replied that there is enough latitude in the policy and they can look at it later. Mr. Howard stated that the Town needs to provide security to buyers by providing the due diligence clause in the purchase and sales agreement. Russ felt that if this were the case then the Selectmen would need to decide if their argument is reasonable and he doesn't want to be in that position. Susette said that the Town provides any buyer of a tax deeded property with a quitclaim deed, selling the lot "as is" and with no warranty. Joel agreed that the goal is to put them back on to the tax roll. Carter reminded the Selectmen that the Town is restricted to selling the lots by sealed bid or auction. All of these lots except for one (#8) are substandard and the auction and sealed bid are the normal process. Ed asked Susette and she said she couldn't recall ever having multiple bids on any lots. Betsey asked the Selectmen if they wanted to change their mind regarding eliminating the minimum bid for lot #8. The Selectmen agreed that it should be sold without a minimum bid. Joel said that there is concern that it isn't clear where lots 5, 6 and 7 are. Carter replied that the bid package will include the property record card, the Town tax map, and an aerial photograph of the property. He reminded the Selectmen that they must wait to make their final decision under the current policy and suggested that they close the Public Hearing at the next meeting, July 7th and then vote on the question on July 21st. Carter asked that the Selectmen confirm their decision of offering the right of first refusal to bidders only; that the due diligence period will remain at 5 weeks before the sale; and that the right of first refusal will be offered to all of the abutting lots, regardless of conforming or not. The Selectmen confirmed the three statements. Peter Jensen asked if the non-conforming lots must still be voluntarily merged with the abutter and the Selectmen agreed that this was the present policy.

2. Public Hearing: Request for No Parking Zone at Lee's Mills Launch: Joel opened this Public Hearing, asking for comments. Jason Downs of Independent Marine told the Selectmen that he agrees with posting the "No Parking" signs as indicated. When people park in this area it is very difficult to maneuver for the public. This also negatively affects the Fire Department. He felt that with the "No Parking" zone there will still be plenty of parking spaces available. Carter reported that as was requested at the last meeting, saw horses were placed along with signage of "No Parking as of July 1st". He reported that he's received an email from Don Conley of 222 Gilman Point Road, stating that he doesn't support the "no parking" zone as he has difficulty finding parking spaces. Mr. Conely recommended allowing only trucks/cars to park without trailers. Mr. Downs suggested posting signage notifying people that overflow parking is available. Betsey Made the Motion to approve the "No Parking" zone as depicted on the map, 40' from the utility pole guy wire and effective July 1, 2011. Ed Seconded the Motion. The Motion carried Unanimously. Joel closed the Public Hearing.

VI. PUBLIC MEETING:

Citizen Input: 1) Ed asked the Selectmen to send a letter of condolence to David Lively for the loss of his wife, Glenda, who had been the Postmaster for several years and an integral part of the community. The Selectmen agreed by Consensus. 2) Hollis Austin was glad to see that Russ attended the recent Heritage Commission's presentation of Preserving Old Barns. In addition, Mr. Austin commended the Selectmen and Carter for holding the Sheridan Road information meeting, which was well attended and allowed the property owners to state their opinions and provide valuable information to the Highway Agent and the Town's Engineer. He added that he feels that the new Town Planner should be involved in this kind of effort, working with the

public and hearing what the community has to say. Joel informed Mr. Austin that it was Carter who instituted these neighborhood informational meetings and several have been held in the Balmoral area. He added that the previous Town Planner had been involved in a lot of areas and the Selectmen want to be sure not to over-extend this position. Mr. Austin agreed, but felt he had been deflected off course and should spend more time working with the community. Ed commented that the Planning Board has discussed Sheridan Road, writing regulations and policies that affect roads. As he is a member of the Planner Search Committee, he will bring Mr. Austin's suggestion to their attention. Mr. Austin expressed concern that the stone walls and old oak trees should be preserved. Russ responded that the Highway Agent's focus is on highway maintenance cost and the long time use, which must be balanced with the desires of the abutters. Joel agreed that there needs to be a balance between the two. Peter Jensen said that he hopes something is done to improve the road.

VII. NEW BUSINESS:

1. Review for Approval: 2011 Charitable, Religious & Educational Exemptions: Betsey said that they had questions and asked that they hold the Castle Preservation Society's and Lakes Region Conservation Trust's approval and request that they come in to speak with the Selectmen. Russ asked Carter if LRCT has met with him as they said they would. Carter replied that their communication has not been timely; adding that holding their approval may encourage them to respond. He asked what the questions were for the Castle Preservation Society. Russ wanted to know why this was a viable profitable business before and now that they own it is not. Carter said that he would invite both to the July 21st meeting. Betsey Made the Motion to hold the approvals for the Castle Preservation Society and Lakes Region Conservation Trust. Russ Seconded the Motion. The Motion carried Unanimously. Betsey Made the Motion to approve the Charitable Exemption for the Audubon Society of NH. Ed Seconded and the Motion carried Unanimously. Ed Made the Motion to approve the Charitable Exemption for the Geneva Point Center. Russ asked that the approval reflect 105 Geneva Road, 108 Geneva Road, and Geneva Road. Hope replied that she would make the change and have it in their Sign file for next week. Betsey Seconded the Motion. The Motion carried Unanimously. Betsey Made the Motion to approve the Charitable Exemption for Huggins Hospital and Ed Seconded. The Motion carried Unanimously. Ed Made the Motion to approve the Charitable Exemption for the Moultonborough Historical Society. Betsey Seconded and the Motion carried Unanimously. Ed Made the Motion to approve the Charitable Exemption for the Squam Lakes Conservation Society and Betsey Seconded the Motion. Russ abstained from the vote. Four Ayes. The Motion carried. Betsey Made the Motion to approve the Charitable Exemption for the Taylor Home, adding that they are aware that changes are coming. Ed Seconded the Motion. The Motion carried Unanimously. Betsey Made the Motion to approve the Charitable Exemption for West Wynde Retirement, Inc., adding that changes are coming. Ed Seconded. Russ abstained. Four Ayes. The Motion carried Unanimously. Betsey Made the Motion to approve the Charitable Exemption for the Bank of America/Loon Preservation Committee and Ed Seconded. The Motion carried Unanimously. Betsey Made the Motion to approve the Charitable Exemption and PILOT for Camp Tecumseh and Ed Seconded. Russ abstained. Four Ayes. The Motion carried Unanimously. Jim Made the Motion to approve the Religious Exemption for the Center Harbor Christian Church and Betsey Seconded with regret over the financial difficulties the church has been involved in. The Motion carried Unanimously.

2. Review for Approval: Revised 79-D Barn Easement Policy: Joel reported that the changes requested at last week's meeting have been made. Ed Made the Motion to approve the revised 79-D Discretionary Preservation Easement Policy. Russ Seconded the Motion. The Motion carried Unanimously.
3. Review for Approval: Disposal Agreement, Slaughter: Betsey Made the Motion to approve the Disposal Agreement for Rex and Nelsa Slaughter of 202 States Landing Road as specified on the agreement and authorized the Chair to sign. Russ Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: SAU's Request to Explore Public Access Broadcasting: Joel reported that Mike Lancor's in his letter is making the request on behalf of the School Board Chair as they hold their meetings at Town Hall. Ed will follow-up. It was agreed by Consensus.
5. Review for Approval: Request to Buy Back Grave Lot #247, Shannon Cemetery: Ed Made the Motion to buy back from Peter and Barbara Anne DeRose grave lot #247 at the Shannon Cemetery at the same price it was purchased at, \$250. Betsey Seconded the Motion. The Motion carried Unanimously.
6. Review for Approval: Visiting Nurse Service Board of Directors Appointment: Carter reported that this is the only application received for this opening which was advertised and placed on the website. Ed Made the Motion to appoint Dianne Davis to the Visiting Nurse Board of Directors as a member, filling Audrey Hull's term until March 31, 2013. Jim Seconded the Motion. The Motion carried Unanimously.
7. Review: SAU's Response Re Blue Ribbon Commission's Recommendations: Joel reported that this is the School Board's response to the recommendations made by the Blue Ribbon Commission to build a gymnasium for the Recreation Department on or abutting the school's property. Ed thought the next step was a feasibility study. Betsey felt that the first step was to get the maps and records from the school. Russ commented that the Town Fellow, Mike Branley would be working on this. Mr. Branley told the Selectmen that his focus was only programmatic and not on facilities. Carter reminded the Selectmen that the School Board was asked if they were interested in the land that was offered as a result of the Blue Ribbon Commission's survey that was sent out. He suggested a response on that would be helpful. He asked if the Board wants the School's engineering firm to come in with the maps, but before that is done, they need to decide what the use of the facility would be. Betsey said and the Selectmen agreed that they'd first like to see the records and maps before spending any money with the engineer.
8. Review: Letter of Resignation, Kendra Frye: Joel reported that Ms. Frye who had been hired as the floating file clerk was just offered a great job opportunity, one that is in line with her degree. The Selectmen accept her resignation with regret and wish her luck in her future endeavors.
9. Review: DRA's 2010 USPAP Report: Joel reported that the Department of Revenue has reviewed Vision's standards and has found it to be in compliance.
10. Shannon Cemetery: Russ asked if there has been any progress made. Ed replied that he's been working on it and will report shortly.
11. Capital Improvement Plan Committee: Richard Brown, Chair of the CIPC came before the Selectmen, at Joel's suggestion, regarding funding requests from department heads and asked if the Town will continue to fund the reserve accounts. Joel replied that this will be looked at along with how much should be funded and how much is too much. Carter replied that during the next 3 to 5 years it is not likely that they will be able to rely on the reserve fund, as it needs to be built up. Mr. Brown reported that the Fire Department is looking at \$450,000 for 2 pieces of equipment and the Committee has

asked the Chief how it would fund the purchase. Peter Jensen, a member of the CIPC asked if any part of the reserve fund could be used or none at all. The Selectmen's position is to not cause spikes in the tax rate. Mr. Jensen asked if bonding was an option. Russ said he'd prefer to stay away from bonding if possible and save up for this kind of purchase over the next 5 years. Ed felt that bonding doesn't make taxes go down. Joel said that the Highway Department has recently leased some of its equipment. Mr. Brown said that the question is now of funding these reserve accounts. Russ felt that they need to fund them and it helps to make the big purchases. Joel said that they need to look at some of these accounts. Carter added that the Town should be contributing \$150,000 a year for Highway and \$150,000 for the Fire Department. This past year they only funded \$75,000. Mr. Brown said that they are working with the department managers about how to pay for or fund these purchases. Betsey reported that she will be filling in for Joel for the month of July, which is his busy period. The Selectmen thanked Mr. Brown for coming in and for the Committee's work.

VIII. OLD BUSINESS:

IX. OTHER BUSINESS:

1. Board Liaison Reports: Nothing to report this week.
2. Administrative Update: Carter stated that other than his weekly report, he had nothing else to add.
3. Planning Board Minutes, June 8, 2011: Acknowledged.
4. Zoning Board of Adjustment Minutes, June 15, 2011: Acknowledged.
5. Milfoil Committee Minutes, June 15, 2011: Acknowledged.
6. CIPC Minutes, June 15, 2011: Acknowledged.

X. CORRESPONDENCE:

1. Time Warner Cable, June 15, 2011: Joel reported this is their standard letter of possible program changes.

XI. CITIZEN INPUT: 1) Hollis Austin asked what expensive purchases were being considered. Russ replied a new fire truck and Highway equipment. Mr. Brown added that the CIPC will submit their list in September, which included Police cruisers, Highway equipment, Fire equipment, the school system, and roads program. Mr. Austin said that he hoped the Selectmen would keep in mind when considering these purchases the state of the economy. Joel said that they were all aware of this.

XII. NON-PUBLIC SESSION: Betsey Made the Motion to go into Non-Public Session Per RSA 91-A:3 II (a) & (b). Ed Seconded the Motion. Joel called for a Roll Call: Jim – Aye; Betsey – Aye; Ed – Aye; Russ – Aye; Joel – Aye. The Selectmen went into Non-Public Session at 8:46 p.m.

The Board exited Non-Public Session at 9:22 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: Betsey Made the Motion to Adjourn. Jim Seconded the Motion.
Motion Carried Unanimously.
Joel adjourned the meeting at 9:23 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant

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