

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

**Selectmen's Meeting**

**September 15, 2011**

**MINUTES**

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.

School Board: Mark Borrin, Chairman, Kathy Garry, Gary Torressen, Bill Blackadar, Gerry Buteau.

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

Betsey expressed the Board's sadness in the passing of Mel Borrin, long time Town Moderator and outstanding community member. She thanked Mel's family for sharing him with the Town.

**II. PLEDGE OF ALLEGIANCE**

**III. JOINT MEETING WITH SCHOOL BOARD:** SAU/Town Athletic/Recreation Study: Carter reminded the Boards that in the spring he proposed that the Town seek a UNH student for an academic fellowship to analyze if any elements of the School Administrative Unit's Athletic Department and the Town's Recreation Department might be merged. The Management Fellowship Program goal is to encourage people to enter the public administration profession and is a partnership between municipalities, the New Hampshire Local Government Center, the New Hampshire Municipal Managers' Association, and the University of New Hampshire. He introduced Michael Branley, the Town Fellow, who has spent 250 hours on this project. Carter said that this study is not an attempt to force anything, but to review all of the elements and identify inefficiencies, if any. His report is for both boards to consider as they look at their 2012 budgets.

Mike thanked the School Board and Selectmen for providing this opportunity to him towards his goal of a career in municipal management. In his PowerPoint presentation he outlined the steps he took by first explaining the charge which was to analyze any aspects of the schools' Athletic Department and the Recreation Department that might be merged. He provided the boards with four criteria to judge his recommendation: 1) improve quality of services and programs; 2) improve each department's organization; 3) improve use of current facilities; and 4) save money. His process included compiling information, interviewing staff and community members, RAB and SAU Athletic Committee members, surveying Moultonborough parents, comparing other Ss and recreation departments, and making himself available to the public. Mike commented that the Athletic Department and Recreation Department share similarities and are thought of very highly in the state of NH for their achievements. Each has had consistent leadership and both will stand to benefit from better coordination between the two departments. Both offer programs largely for Moultonborough's youth. Mike looked at the activities of both departments and noted that the Recreation Department is more than just sports. The Academy has over 40 teams, with 57% participation, many championships and accolades for the staff. At the middle school level there is 70% participation. He looked at the organizational chart for both the SAU and Town departments, with a total salary of \$199,000 which includes the Athletic Director's salary and stipends for 3 "Game Managers", and 3 full time staff and 1 part-time in the Recreation

Department. Mike did not recommend a wholesale merger of the 2 departments due to the Recreation Department providing services that are much more than sports which include managing the Town's beaches, senior, adult and pre-school programs, and other non-sport activities. Each department schedules their respective facilities separately. The Recreation Department which uses Playground Drive extensively for sports and summer camp does not have a gymnasium and must make requests to the School to use any space available. Primarily the School's multi-purpose room, which is less than optimal, is the Recreation Department's option. Mike pointed out that the constant use of Playground Drive by Recreation does not allow the field to periodically rest as needed. If this continues then Playground Drive will need continued reconstruction over the years.

Mike made 5 recommendations. The first is to consolidate scheduling of all facilities under one person. This would change the mindset to Moultonborough facilities vs. Town or School facilities. This position would be better able to choose the right facility for the right program, and easier to fill in scheduling gaps as they occur. The second recommendation is to combine the Assistant Recreation Director and the Athletic Director positions and create a Sport and Athletics Director, as a full time position with primary duties of administering School athletic and recreational sport programs, scheduling use of all "recreational" facilities (School and Town), and administering recreational programs in the summer. This position would answer to the School and to the Town. Both Athletic and Recreation Departments would continue to be independent. The present positions of Athletic Director and Assistant Recreation Director require that each perform non-management level tasks, which include clerical and preparation and maintenance of fields. Mike recognizes you can't just combine the two positions and continue to do all of those jobs. The third recommendation is to hire a part-time office clerk to assist the Sport and Athletic Director to perform clerical tasks with an approximate salary of \$20,000 for 20 hours per week. The fourth recommendation provided four options. The first is to hire another part-time staff for field maintenance at \$7,500. Additional options are to assign these tasks to the Town's Department of Public Works, or to the School's maintenance staff, or put it out to bid. The fifth recommendation is for the Town to budget \$4,200 for Recreation Game Assistant (\$1,400 per season) to attend and supervise Recreational sport events. This would free up the Sport and Athletics Director time, as it is impossible to be in more than one place at a time. This position could also assist with other Recreation programs and trips. Regarding the after School programs provided by the School and the Recreation Department there isn't any space in the Schools for the Recreation Department's after school programs as they are currently configured. Mike said that he will provide the Boards with a greater analysis of this in a future memo. He provided a proposed organizational chart and making these changes in both departments would result in total salaries of \$183,000 and the elimination in one benefitted position. A total savings of \$39,000 would be realized. Mike proposed a three year schedule which included time for the Boards to review and act, a transition period of 6 months, a 2 year trial period, and then after 6 months to review the changes and further decide the direction the School and Town want to follow.

Carter thanked Mike for being open minded, and for his report, time and effort. He added that the Selectmen have extended Mike's time with the Town until the end of November which will allow him to be available for questions for both Boards. Carter asked that the report be referred to the Selectmen's next work session, September 22, 2011. Both the report and the PowerPoint presentation will be on the Town's website. Mark Borrin Chair of the School Board said he wants to review the report. Ed asked if Donna Kuethe and Harry Blood (Athletic Director) have reviewed the report. Donna replied that she felt that Mike had done a thorough job. What he

proposes is a huge change and she does have questions about how it would work, concerns about the quality of programming and the performance of some of her department's tasks. Donna asked how the Selectmen wanted her to proceed. Ed replied that she should attend next week's work session. Harry Blood responded that having one person do all of the facility scheduling makes sense and agreed that it would maximize use of the facilities. School Board member Gerry Buteau asked why only two school/recreation programs were compared. Mike replied that both had similarities to Moultonborough, adding that there were also the only two that he could find. Joel thanked Mike for his work and that both boards need time to review the report. 1) Becky Bryant felt that when the Academy was built, that the thought was that it was a Town facility. She questioned why anyone would want this new position as it seems a huge task. In addition, there are two different philosophies for these departments. Youth sports have a different goal at the Recreation Department and shouldn't become a feeder team for the High School. 2) Don McGillicuddy commented that both departments are great and asked why change with a new system. 3) Nancy Wright commented that the present Athletic Director is retiring and this will be a hard position to fill. She added that she attended the last School Board meeting and learned that the 2010 enrollment number has dropped. She questioned why there isn't any room at the School for Recreational programs. Joel responded that both boards want to digest the report. Bill Blackadar said that the number of teams has not decreased. Ms. Wright asked if there was any classroom space available. Superintendent Mike Lancor responded that all classrooms are being used for instructional programs and support. Joel closed the joint meeting.

**IV. REVIEW / APPROVAL MINUTES:** Betsey made the Motion to approve the Minutes of September 1, 2011. Russ Seconded the Motion. The Motion carried Unanimously.

**V. NEW RESIDENTS:** Peter J. & Cynthia E. Koss, Cheryl B. Ulm, Rebecca L. Emerton, Taylor M. O'Connor, Dawn M. Stone, Theodore B. McIntire, Karen G. & Karl F. Koch, Sean R.E. Gillis, Judith A. Khan, Christen A. & Jillian M. Cloutier, Linwood A. Seaverns.

**VI. PUBLIC HEARING:**

1. Proposed Reconstruction of the Playground Drive Soccer Field: Joel opened the Public Hearing at 7:55 p.m. and asked if the Selectmen had any comments or questions. He said that purpose of this second public hearing is to be clear that they are proposing to reconstruct the field at Playground Drive as recommended by the Blue Ribbon Commission. As there were no questions from the Board, he asked the audience for their comments or questions. 1) Tom Howard said that he is not in favor of reconstructing the field at Playground Drive and wants a new field to be constructed on the Lions Club property. He felt that at the 2007 Town Meeting, the people voted to acquire the site on Route 109 for the purpose of recreation. At the 2009 Town Meeting a Capital Reserve Fund was approved for the Community Center with a phasing plan. In 2009 the voters approved of building a playing field at the Lions Club property by a high majority. Mr. Howard said that the Selectmen do not have the authority to make this decision as the Town has not voted to make the change. He feels that building this proposed field at the Lions Club would be at a lesser cost and won't impact wetlands as will be the case at the Playground Drive field. 2) Don McGillicuddy reminded the Selectmen that the BRC found that the field at Playground Drive should be reconstructed first and the Recreation Director has stated that this would meet the program needs. If a playing field was located at Route 109, he asked how the children would get there. As has been proposed, using the facilities at Camp Tecumseh will not meet the Recreation Department's needs. 3)

Hollis Austin commented that the Town knows what they are dealing with at Playground Drive and there has been discussion of doing the reconstruction there for many years. He feels the time has come to do this work. 4) Chris Shipp asked what the vote was in 2009. Carter replied to build a playing field at the Lions Club and study the Playground Drive rehabilitation. However, there has been substantial opposition and because of this the BRC was formed and they found that Playground Drive should be reconstructed first. Mr. Shipp asked if it was irrelevant what was voted on at Town Meeting, but more important what the BRC and the Selectmen want. Joel replied that the plans at Playground Drive received opposition from the Planning Board due to violating setbacks and since the vote, the state of NH regulations have changed making the original plans not as feasible. He added that the goal is to get a playing field done. Russ added that if the Town knew then what it knows now, they wouldn't do it. The location of Playground Drive is more central for the Town and with the reconstruction abutters won't be affected. He feels the money will be better spent at Playground Drive. Joel said that could construct the field at the Lions Club property but it would not be a full size field. Reconstruct the field at Playground Drive now and then look at the Lions Club, as we need to move ahead. Ed said that the vote did not say when to build a field at the Lions Club. He agreed with Joel to reconstruct Playground Drive first and then look at the Lions Club. Ed added that he can't vote in favor if it is in violation of the Zoning setbacks. It isn't fair that citizens must live under one set of rules and the Town another. 5) Nat King said that the Selectmen are going against the legislative body and the question needs to go back to Town Meeting. 6) Becky Bryant said that the substantial opposition was more a rumor than fact. She felt that the vote would provide two playing fields. 7) Steve Maguire asked how much money has been spent at the Lions Club and at Playground Drive. Carter reported that approximately \$550,000 includes the purchase of the Lions Club property and the engineering plans. The reconstruction of the Playground Drive field with the contingency would be approximately \$300,000. Ed said that the Lions Club was not purchased with the purpose of building a soccer field, but to lease it back to the Lions Club. 8) Rick Heath said that the Lions Club is not being charged rent for their lease. Joel responded that leasing it to the Lions Club is not costing the Town anything, as they are responsible for all maintenance and utilities of the property. 9) Mark Borrin asked if Town Counsel has reviewed the vote in question and asked for his opinion of what can and can't be done. Joel replied that it hasn't been referred for legal review. Russ added that he didn't feel it was necessary. 10) Nat King agreed with Mark Borrin's suggestion. 11) Eric Taussig said that if the Lions Club project violates the law, then it should be considered by Town Counsel. 11) Don McGillicuddy asked the Selectmen that if necessary is the Town willing to spend the \$300,000 on a field at the Lions Club. Joel said they will consider it. 12) Nancy Wright commented that if the voters knew then what they know now, they would have voted against it. Joel repeated that the rules under NH DES have changed since then. He reminded everyone that the state of NH approved a subsurface septic system at the Lions Club property. Ed Made the Motion to refer the 2009 Town Meeting question to Town Counsel for what can be built and when. Betsey Seconded the Motion. The Motion carried Unanimously.

2. Amend Ordinance #3, Pet Control at Town Beaches: Donna Kuethe reported that people are bringing their pets to the beach, such as cats and geese. The present ordinance says only dogs are prohibited. Despite thinking that everyone should know that bringing any kind of animal to the beach is inappropriate, it is necessary to amend this ordinance to read all pets are prohibited. She added that the Town of Gilford defines pets as being any animals other than service animals. 1) Steve Maguire asked if this was state or Town law

to prohibit dogs from the beach. Betsey said that because this is Town property it is a Town ordinance, just as the state has their rules for their property/beaches. 2) Lillian McKay said that "Don't Feed the Ducks" should be included on any signs. Donna said that there is an ordinance in place prohibiting feeding ducks at the beach. Betsey asked if the fine should be increased from \$25 to \$50. Joel and the Selectmen agreed to increase it to \$50. Betsey Made the Motion to amend Ordinance #3 to read "All Pets" and to increase the fine from \$25 to \$50. Russ Seconded the Motion. The Motion carried Unanimously. Joel closed the public hearing.

**VII. CITIZEN INPUT:** 1) Peter Jensen, Chair of the Milfoil Committee reported that the divers are having difficulty hand pulling the milfoil in what was thought of as sparse areas and as previously reported there are dense areas that have been identified in deeper water. He asked the Selectmen to spend another \$15,000 to pull all areas. The \$45,000 left over from last year could be used to fund this. Betsey Made the Motion to approve funding an additional \$15,000 for hand pulling milfoil. Ed Seconded the Motion. The Motion carried Unanimously. 2) Eric Taussig told the Selectmen that he had questions regarding the appraisal that was done on the 2,400 sq. ft. piece of land being considered to sell to Rockpile, Real Estate and the value of \$2,700. He said that this land is in a residential/agricultural zone and the proposed commercial business will need to have a special exception. Mr. Taussig questioned why comparables were used from residential/agricultural areas and why not from commercial areas. In addition he asked if the Selectmen reviewed Policy #19 regarding reviewing all Town property yearly and offering it to abutters. In addition he asked if the Planning Board and Conservation Committee have reviewed the sale. Carter responded that Mr. Taussig should submit his questions on paper and he will attempt to answer them. Regarding the appraisal done by the Town Assessor, the piece of land was looked at as it stands now (only 2,400 sq. ft) and if after the sale and merged with the larger lot. In addition, Policy #19 refers to the sale of tax deeded property versus other Town owned property. The Selectmen know that if the owners of Rockpile Real Estate accept their offer, then they must hold public hearings. However, the buyer has not accepted the price and with the stipulated contingencies of merging the two lots, etc. It is premature to hold public hearings and they will be scheduled if and when they want to proceed with the sale. Mr. Taussig continued to question the comparables used and felt the value of \$2,700 was too low. Joel replied that he is not an appraiser and Mr. Taussig needs to submit his questions for a reply. Russ responded that the comparables used were the only ones available and methodology can be used to compare and adjust properties that are not identical. The land is zoned residential and if sold will be residential as there haven't been any changes yet. What the buyer wants to do has no bearing on the appraisal. At .06 of an acre the lot has little to no value. The highest and best use is the potential to merge it with another lot. Kim Prause and her husband, owners of Rockpile Real Estate said that their intention is to fix up the cottage and improve the neighborhood, providing a service to the community, and in terms of residential and commercial, they are taking them separately. Nat King said that the Town should maintain its right of ways for future expansion and eliminating the need to take land by eminent domain.

**VIII. NEW BUSINESS:**

1. Review for Approval: Recreation Department Position Review & Recommendation:  
Carter recommended referring this to the next work session as consideration will be based on the study presented by Mike Branley. Donna agreed that the open position is being filled temporarily and they are managing. Approved by Consensus.

2. Review for Approval: CMK Proposal for Site Feasibility at SAU for BRC: Carter reported that the BRC recommended that the Recreation Department should have a gymnasium facility with offices and storage on or nearby the Schools. Carter asked that this be referred to the work session. Betsey thought they had decided to review the plot plans first. Carter reported that the architects and engineers had met (gratis) and reviewed the plans, which they found to be feasible. The next step will include costs. He added that the Town's engineer could do the work, but felt that the SAU's engineer, CMK would bring credibility with the School. Mike Lancor said that the School Board would cooperate and he arranged the meeting with CMK. The Board agreed that a transfer of property was possible, but it is a Town matter. Approved to refer to work session.
3. Review for Approval: Advanced Notification of Tax Deeding: Susette reported that she provided the Selectmen with the list of advanced notice in case the Selectmen are considering refusing to accept any of these properties due to environmental hazards. If that were to be the case, she would prepare a deed waiver. The Selectmen would need to provide 30 day notice to the property owners of any inspections. Carter reported that the list was sent to the Police and Fire Departments, Code Enforcement and the Planning Board for their review. Lots #2, 19, 24, and 27 were identified as having possible problems. These property owners need to be notified of a "walk over". Ed Made the Motion to notify the property owners of lots #2, 19, 24 and 27 as listed on the Tax Collectors list, of Town personnel doing a "walk-over". Russ Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: Tax Deed Waivers (4): Susette reported that the three property owners have had payment plans with the Tax Collector and she is requesting that the Selectmen sign a Deed Waiver. The other deed waiver is for a new property owner who has been paying \$50/week and has been making regular payments. She asked that the Selectmen sign a deed waiver for this property. Betsey Made the Motion to approve the payment agreement and waive a tax deed for 201 Hanson Mill Road, and to waive the tax deeds for 20 Lunt Road, Winaukee Road (253-003), and 150 Old Route 109. Russ Seconded the Motion. The Motion carried Unanimously.
5. Review for Approval: Health Insurance Offset: Carter reported that during the 2010 analysis of benefits, it was decided to offer \$1,500/yearly to any employee who did not take the Town's health insurance. Town Counsel has reviewed this and feels the flat rate is discriminatory and suggested using a percentage of what the Town pays for this benefit. Reaching out to other towns, Carter found that some towns use a flat fee, while others use a percentage ranging from 25% to 55%, with an average of 40%. He recommends offering 30% of the Town's cost with a cap of up to \$6,000 to employees who choose to not take health insurance or opt at enrollment time. Carter added that they must provide proof that they have adequate health insurance. He added that at 30% with the \$6,000 cap, this is still a savings to the Town. This amount would be combined and pro-rated in their paycheck, so if they terminate their employment they are not walking away with a lump sum. Betsey Made the Motion to change the yearly Health Insurance Offset from \$1,500 to 30% of the Town's cost for health insurance with a \$6,000 cap. Ed Seconded the Motion. The Motion carried Unanimously.
6. Review for Approval: Sale of Tax Deeded Properties – Bid Results & Recommendations: Joel reported that there were two bidders who did not comply with the bid procedures; Roderick MacDonald submitted a personal check as a bid deposit instead of a cashier's check or cash. The other bidder submitted one cashier's check as his deposit for seven bids instead of seven deposit checks as required. This individual,

Ty Shute was the high bidder on some of the bids. The Selectmen agreed that it would be unfair to accept any of his bids, as the other bidders followed the requirements, tying up their money during the process. Carter added that while he hates to reject the extra \$27,500 he recommends not accepting any of Mr. Shute's bids. Russ Made the Motion to reject all of the bids made by Ty Shute due to not following the bid procedures. Betsey Seconded the Motion. The Motion carried Unanimously. Betsey Made the Motion to reject the Macdonald bid due to not following the bid procedures. Russ Seconded the Motion. The Motion carried Unanimously. Joel asked Carter about the two abutting bidders. Carter said that Gary Barton, an abutter of parcel #4, and MYTY, Inc. is an abutter of parcel #8. He asked the Selectmen to give them ten days to respond and exercise their right of first refusal at the high bid and their understanding that if they go through with it, they must merge the abutting lots. Betsey Made the Motion to provide ten days for the abutting bidders to exercise their right of first refusal at the highest bid price and require merging the two lots. Ed Seconded the Motion. The Motion carried Unanimously. Next, Carter reminded the Selectmen that Property Owners Association at Suissevale has a 30 days right of first refusal and Balmoral Association has a 3 day right of first refusal. Carter asked the Selectmen if they wished to move down the bidder list in descending order if the high bidder doesn't come through. Betsey Made the Motion to move down the bid list in descending order if the highest bidder does not accept the parcel. Jim Seconded the Motion. The Motion carried Unanimously. Carter stated that he felt that not requiring a minimum bid was the right choice. Tom Howard asked if the deposits for the unsuccessful bidders would be released. Carter replied that the Town can hold the deposits for 45 days or give bidders the choice to extend this period if needed.

7. Review: Town of Tuftonboro's FCC Petition – Time Warner: Joel reported that Tuftonboro is submitting a petition to the FCC requesting that they receive Boston stations versus Maine stations. They are asking if Moultonborough would like to sign the petition. The Selectmen agreed by Consensus that they would like to sign the petition.

**IX. OLD BUSINESS:**

1. Lakes Region Conservation Trust, 2011 Exemption: September 29, 2011

**X. OTHER BUSINESS:**

1. Board Liaison Reports: 1) Betsey reported that the CIPC has two lists of projects with funding and will have them for the Selectmen's meeting on October 6<sup>th</sup>. Carter said that although he was asking departments to have their budget requests to him by October 1<sup>st</sup>, it wouldn't be a problem to receive it on the 6<sup>th</sup>. He reminded the Selectmen that they need to look at the CIPC charge. 2) Ed reported that the Planning Board met and the Road Subcommittee is meeting next week and they will provide a report to the Selectmen. They continued Rockpile's request. 3) Russ reported that the ABC approved the Library's quarterly financials, after having questions. Questions were submitted to the School Board regarding their quarterly report. They also reviewed the Town's quarterly report. Russ said that the ABC recommends the Selectmen focus on 'discretionary spending' versus 'responsible level services'. Kathy Garry will be submitting her report to the Selectmen on outsourcing payroll.
2. Administrative Update: Carter reported that other than his weekly update, he asked Mike Branley to devise how to fund his recommendations for the Trust Funds.

3. Capital Improvements Program Committee Minutes, August 22 & 29, 2011:  
Acknowledged.
4. Planning Board Minutes, August 31, 2011: Acknowledged.
5. Milfoil Committee Minutes August 31, 2011: Acknowledged.

**XI. CORRESPONDENCE:** None.

**XII. CITIZEN INPUT:** None.

**XIII. NON-PUBLIC SESSION:** None.

**XIV. ADJOURNMENT:** Betsey Made the Motion to Adjourn. Ed Seconded the Motion.  
Motion Carried Unanimously.  
Joel adjourned the meeting at 9:20 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Administrative Assistant