

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

Selectmen's Meeting

September 29, 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.

**I. CALL TO ORDER:** Joel called the meeting to Order at 7:00 P.M.

**II. PLEDGE OF ALLEGIANCE**

**III. REVIEW / APPROVAL MINUTES:** Carter asked the Selectmen to amend the minutes, page 2, third paragraph regarding the proposed part-time office clerk's salary to assist the Sport and Athletic Director. It should read \$12,000, not \$20,000. Ed also asked to amend the minutes, under Board Liaison Reports (page 7), reporting for the Planning Board, stating that he misspoke. Rock Pile's request for a continuance was not accepted, versus accepted as reflected in the minutes. They will submit a new application and it was agreed that they would only have to do certain aspects and not pay the whole cost. Betsey made the Motion to amend and approve the Selectmen's meeting minutes as requested by Carter, page 2 to \$12,000, and on page 7, Board of Liaison Report as stated by Ed of September 15, 2011 and work session minutes of September 22, 2011. Jim Seconded the Motion. The Motion carried Unanimously.

**IV. NEW RESIDENTS:** Joshua K. Ortiz, John M. & Diane P. Hellmuth, Randi L. Fuller.

**V. CITIZEN INPUT:** 1) Al Hume asked the Selectmen who will be appointing the interim Town Moderator for upcoming elections. Joel replied that the Supervisors' of the Checklist are charged with making the appointment.

**VI. NEW BUSINESS:**

1. Presentation: 2011 Adopt A Spot Awards: Jim reported that this is the fourth year of Adopt a Spot with predominately the same people and service groups participating. This idea has saved the Town a lot of money and the spots continue to look great. He announced and presented the first place plaque award to Donnybrook Services for Don Muscavitz' work at the Community Center. Second and third place went to Miracle Farms Landscaping for their work at the Public Safety Building and the Welcome to Moultonborough sign at the Center Harbor town line. Betsey presented the Certificates of Recognition to James & Karen Nigzus & Family for Playground Drive, Dion's Plant Place for the north parking island at Town Hall, Pine Ridge Lawn & Landscaping for the front of Town Hall, Moultonboro Toastmasters for the South Parking Island at Town Hall, Moultonborough Lion's Club and Aubuchon Hardware at Sutherland Park, and Robert Patenaude for the town line on Bean Road. The Selectmen thanked all of the participants for the service to their community.
2. Personnel Announcement: Joel reported that they are unable to make this announcement as the background check for this individual's employment is not ready.

3. Review for Approval: Lakes Region Conservation Trust, 2011 Exemption: Carter reported that he and Don Berry of LRCT have had an ongoing conversation regarding a voluntary payment to the Town to offset the loss of real estate taxes. He said that LRCT, although they feel they are exempt, understand the loss of the tax revenue to the Town and wish to make a voluntary payment. Recently discovered is a communication tower located on one of LRCT's property which is taxable, of which they are receiving a lease payment. LRCT has agreed to voluntarily pay 15% of the annual lease and will do the same in the future for any other similar situations in Moultonborough. Carter added that this isn't quite what he had hoped for, but felt that the voluntary payment of \$1,350, which is based on the current lease payment, is a good start. LRCT must still annually file their annual application for exempt status and this agreement does not relieve them of any future tax consequence. Don Berry thanked the Selectmen for their patience in this process. Betsey commented about the first paragraph of the agreement which states "LRCT believes that said land and improvements thereon are exempt under the laws of the state of New Hampshire from local real estate taxes..." and the word *believes* that is used. She felt that this meant it was LRCT's belief, which she felt they were entitled to, but may be different from what the Town or state believes. Russ added that the RSA states "may be exempt" and questioned the use of the word *believes*. Joel felt that the wording represented what LRCT believes, which does not change the intent of the agreement. Betsey agreed. Betsey made the Motion to approve the 2011 Charitable Exemption for Lakes Region Conservation Trust and to accept the Agreement to Make Voluntary Payments, authorizing the Chair to sign the agreement. Ed Seconded the Motion. The Motion carried Unanimously. Mr. Berry provided the Selectmen with the voluntary payment and signed the agreement.
4. Review for Approval: Middle Neck Cemetery Lots #318, 319, 320 & 321: Joel reported that in the letter from Gary and Susan Meader, they are requesting that the Town buy back these four cemetery lots for a total of \$1,000. Jim Made the Motion to purchase Middle Neck Cemetery Lots #318, 319, 320 and 321 for a total of \$1,000. Ed Seconded the Motion. The Motion carried Unanimously.
5. Review for Approval: NH DRED Div. of Forests & Lands – Warden Appointment: Joel reported that this is the annual appointment of the Fire Warden. The Selectmen approved by Consensus.
6. Review for Approval: Disposal Agreement – Wallace: Joel questioned what material Mr. Wallace was looking for as his description is not clear and asked to have Scott Kinmond contact the property owner first to clarify what is being requested. Betsey Made the Motion to approve the Disposal Agreement for Gary Wallace, 63 Hayes Lane, contingent upon the Highway Agent being able to supply what is requested. Russ Seconded the Motion. The Motion carried Unanimously.
7. Review for Approval: MPD Highway Safety Grant – Operation Safe Commute: Joel reported that the Police Department is requesting the Highway Safety Grant "Operation Safe Commute" patrols for \$4,410. Ed Made the Motion to authorize the Chair to sign the MPD Highway Safety Grant for Operation Safe Commute. Betsey Seconded the Motion. The Motion carried Unanimously.
8. Review for Approval: Report of the Town Fellow Re Town/SAU After School Programs: Carter asked and the Selectmen agreed that this be referred to the Selectmen's next work session on October 20, 2011, which will start at 3 p.m., as it ties into the SAU/Recreation report. He added that the members of the Advisory Board Committee's have submitted a memo which states that they support further investigation of the study by the School and Selectmen of initiatives provided to both Boards.

9. Review for Approval: Narrowing the FY Conversion Options (From 09/22 Workshop): Joel reported that Carter has asked that the Selectmen narrow the options regarding the fiscal year conversion and the feasibility of moving the Town Meeting date to May. The first is how to fund the fiscal year conversion and the options are creating a capital reserve fund, bonding, quarterly billing, from the tax rate, or from the fund balance, or a combination. Carter reported that staff and the ABC recommend funding the conversion using the fund balance and tax rate, and that there be further study on quarterly tax billing to improve cash flow. Joel commented that he is uncertain about quarterly tax billing due to the extra work involved. Russ stated that quarterly billing will result in a nightmare and won't help the Town. He added that he knows Carter is concerned about the cash flow, but felt if spending is controlled, then there is no cash flow problem. He feels quarterly tax billing should be taken off the table. Joel commented that a few years ago they did have a cash flow problem at the end of the year and it was tight. Ed agreed with Russ, to remove this option from consideration. It will cause an added work load for the Tax Collector and Administration. As a retired community member, he is comfortable with the present tax billing cycle (twice a year). Russ commented that just because a couple of towns use quarterly tax billing, that Moultonborough does not need to do this. He asked Alan Ballard, also a member of the ABC, if the vote of 5-0 represented what occurred at the meeting, as he recalled that Carter and Jean Beadle liked the fund balance, tax rate, and quarterly billing, while the rest preferred bonding. Mr. Ballard replied that while bonding was discussed, the end result was to support the use of the fund balance and tax rate as represented in the memo of September 28<sup>th</sup> by the ABC Committee is correct. Joel asked the Selectmen to go through the list by item. He asked if the Selectmen were in favor of a capital reserve fund and after discussion the Selectmen decided to remove this option from the table. After discussion and Betsey stating her concern with bonding, and suggesting that they use a combination of bonding, and tax rate, the Selectmen agreed that bonding would remain an option for consideration. The Selectmen agreed that the option of quarterly tax billing is removed from consideration. They agreed that they would consider using the tax rate as part of the funding. Using the fund balance will not be an option for consideration. Carter stated that the ABC and Selectmen do not agree and that makes reporting back to Town Meeting a problem. The Selectmen agreed that this can be discussed in a joint meeting, but the final decision is theirs. Russ asked and learned that the question at Town Meeting was to explore and identify the logistics of moving the Town Meeting date. After further discussion, the Selectmen reconsidered using the fund balance as Betsey said that she would consider using a portion, but was concerned about future needs and costs. The Selectmen decided that moving the Town Meeting date is not a consideration. It was decided that the options they will consider are a combination of using bonding, the tax rate, and the fund balance.
10. Proposed Playground Drive Field Reconstruction: Betsey said that after she read Carter's letter to Town Counsel, outlining the various Town Meeting articles and votes, she now feels that the question should go back to Town Meeting versus obtaining a legal opinion of what can be done. While she still feels that the Selectmen can construct a playing field on either location (Route 109 or Playground Drive), she wants to put the question to rest one way or other by having the voters decide based on clear information and cost for each location. As nothing can be done for 2012, she added, take the time and let the voters decide. There are too many various costs being stated on both sides of the question. The Selectmen need to go back and review the plans for the Lions Club property. Russ commented that while he knows all of the reasons why not to construct a playing field at

the Lions Club property, he agrees to let the voters decide. The Selectmen agreed by Consensus to ask the question at Town Meeting providing a plan and cost for constructing a playing field at each location.

**VII. OLD BUSINESS:**

**VIII. OTHER BUSINESS:**

1. Board Liaison Reports: Betsey reported that the CIPC met today and Chair Richard Brown will attend the Selectmen's October 6<sup>th</sup> meeting and will present figures, but not the full report, and ask that he attend the next work session to go over it. Carter reminded Betsey that the CIPC were told to not count on using the Capital Reserve Fund and it is not their charge to identify how to fund the reserves. Betsey acknowledged this. Russ reported that at the ABC meeting they reviewed the Trust Fund funding and the SAU/Town and After School Program report. He added that he thought some of the ideas were tabled, but it appears this isn't the case. Russ said that the report done by Mike Branley and his recommendations have not been tabled, but the Selectmen want to review them further. The members of the ABC recommend 5-0 that the Selectmen further review the information.
2. Administrative Update: Other than Carter's weekly report, he had nothing additional to report.
3. Zoning Board of Adjustment Minutes, September 7 & 21, 2011: Acknowledged.
4. Advisory Budget Committee Minutes, September 8 & 22, 2011: Acknowledged.
5. Visiting Nurse Service Board of Directors Minutes, September 13, 2011: Acknowledged.
6. Milfoil Committee Minutes, September 14, 2011: Acknowledged.
7. Planning Board Minutes, September 14, 2011: Acknowledged.

**IX. CORRESPONDENCE:**

1. Time Warner Cable, September 7, 2011: Joel reported that this is their standard letter of possible program changes.
2. Eric Taussig, September 16, 2011, Rock Pile Real Estate, LLC: Joel reported that Mr. Taussig has provided in writing his questions regarding the Rock Pile Real Estate request and appraisal done on the piece of land. He asked Carter to respond. Russ asked that the Assessor be involved, as many of the questions regard the comparables used.
3. Becky Bryant, September 19, 2011, SAU/Town Athletics Recreation Functions: Ed expressed his concern that the next work session scheduled for October 6<sup>th</sup>, 3 p.m., makes it difficult for people to attend. He feels that Ms. Bryant will want to attend to get her questions asked. Betsey understood his concern, but feels they need the time to get the work done and they will respond to her. Joel reminded everyone that this is the Selectmen's work session, and not a meeting, and through their discussion, they will try to provide Ms. Bryant with answers.
4. William C. Tolman, September 20, 2011, Sabanak's Detention Pond: Joel acknowledged that this has been a problem for a long time and asked Mr. Tolman if Code Enforcement has been in contact with him, as he was aware that he wanted to conduct test pits of abutters. Mr. Tolman replied that he has not heard from the CEO. Joel said that he'll be sure to have the CEO contact him. Betsey commented that the Planning Board needs to look at the site plans to ensure that the detention ponds comply.

- X. CITIZEN INPUT:** 1) Jim Leiterman told the Selectmen that Eric Taussig was not able to attend the meeting. Mr. Taussig asked him to read his letter into the record (attached). His letter expressed his concern about the comparables used, the appraised value being too low for what could be a valuable commercial lot, and his interpretation of the Town's Policy #19, which requires the Planning Board and Conservation Commission review the request and then public hearings be held. He asked why the land wasn't offered to abutters. 2) Nancy Wright asked why Mike Branley was not presenting his report as outlined as #8 under new business. Carter replied that it needs discussion and it is inter-related to the SAU/Town merger report. Ms. Wright asked if the Lions Club is now a consideration. Joel replied that it is and it will be for the voters to decide. 3) Paul Punturieri asked when the Selectmen changed their mind. Joel replied the decision was just made based on Betsey's suggestion. Betsey replied that she made her suggestion based on two public hearings and strong opinions on both sides. After reading the outline, she still feels that they can go ahead with Playground Drive, but they are receiving mixed messages, and going back to Town Meeting will allow the voters to decide. Russ agreed with Betsey, stating they should provide the voters with the cost for each location and let them decide. Joel added that despite it being approved at Town Meeting, the Selectmen then received the opposing petition and that is why they are taking it back to Town Meeting. 4) Clelia McKay asked how many people they expect to attend Town Meeting and her concern that the question will be decided by a low voter turnout. Russ stated that the voters chose them to do the job, and the voters can approve or disapprove and act accordingly. He added that based on the 2007 and 2009 Town Meetings it is very unclear. Provide the cost for each field at Town Meeting, along with the benefit for each and let the voters decide. Joel stated that whatever the Selectmen decide they will be criticized for their decision. 5) Fred Kramer stated that the Selectmen have all of the information and they should make the decision. Ed stated that it was not his intention when the Lions Club was purchased to build playing fields there. He also pointed out the opposition of the Planning Board. He voted to do nothing at the Lions Club property until the funds were there and at this time, the money is not there. He feels that the Selectmen should move forward and reconstruct the field at Playground Drive. He added that if the question is brought back to the Town Meeting that all information, including the Planning Board's concerns must be brought forward. 6) Susette Remson stated that the law says that the legislative body, the voters, should make the decision. She agrees with bringing the question back to Town Meeting as it makes sense to give the voters a clear choice. 7) Mr. Kramer responded that the Town agrees that playing fields are needed and the Selectmen should make the decision. He asked when the Selectmen changed their mind from the previous meeting's vote to get a legal opinion. 8) Kim Prause cautioned the Selectmen that when they make a motion one week and then reverse it the next meeting, the voters will be unsure of any of their decisions. She said that she agrees that it makes sense to bring the question back to Town Meeting. Russ said that reading over Carter's memo of the outline of events that it is very confusing what was decided. 9) Nancy Wright asked for a copy of what Carter put together so the public can see what was outlined. Russ replied that they probably won't release it until Town Counsel gets to review it. Carter stated and the Selectmen agreed that they have never released any communication between the Selectmen and Town Counsel. 10) Paul Punturieri said that it did not go to Town Counsel, but to the Selectmen, therefore it is a public document. Joel said that it was addressed to Town Counsel. Russ added that he should not expect that Carter send a letter of this importance without having the Selectmen first review and approve it. Mr. Punturieri asked if it will go to Town Counsel or will it be held. Joel said that at this time, it will be put on hold, but after the work session, they may go forward with it. Mr. Punturieri asked if the Selectmen will deny a request under the Right to Know law. Joel replied that the Selectmen can make a lot of

decisions based on the advice of legal counsel, but they do not release the information that comes from Town Counsel. Russ felt that Mr. Punturieri was looking at this question very simplistically, and it is not a simple matter. Joel added that this is the exact reason why all at once they've decided that it will go back to Town Meeting. It all becomes a question of right to know and lawyers getting involved and then the Town is paying a lot of money for legal counsel for what he feels is stupidity.

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

**XII. ADJOURNMENT:** Betsey Made the Motion to Adjourn. Russ Seconded the Motion. Motion Carried Unanimously.  
Joel adjourned the meeting at 8:28 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Administrative Assistant