

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

Selectmen's Meeting

November 3, 2011

MINUTES

Selectmen: Joel R. Mudgett, Chair, Edward J. Charest, Vice Chair, 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:** Betsey made the Motion to approve the Selectmen's meeting minutes of October 20 & 27, 2011. Russ asked that the minutes of October 20th be amended under New Business #3 regarding the Academy's request to use the Fire Department's snow machine, adding that Chief Bengtson had reviewed the request and in his email to Carter the Chief was not opposed. Russ then asked that the work session minutes of October 27th be amended, page 3, item #6, second paragraph, first line, 5% be changed to 60% various designs for a playing field at the Lions Club. Ed also asked to amend the minutes, but he was unclear which set or item, but it had to do with his opposition to violating the zoning regulations. Betsey amended her Motion to reflect these changes. Russ Seconded the Motion. The Motion carried Unanimously. Joel apologized to the Board for his language at the October 27th work session and for asking Russ to leave the meeting.
- IV. **NEW RESIDENTS:** Joseph B. Turcketta, Curtis J. Davis, Stephen J. & Cheryl A. McGuff, Ruth S. Whiteley, Andrew J. Brazee, Barbara A. & Mark P. Jr. Brash.
- V. **CITIZEN INPUT:** 1) Don McGillicuddy referring to the work session of October 27th asked Betsey if she is in favor of building a playing field on the Lions Club property. Betsey replied that she feels the Town doesn't have to comply with the zoning ordinance. All of the Selectmen, except Ed, feel that the Town is exempt from the zoning ordinance. Joel agreed, reminding everyone that for all of the Town buildings the Selectmen have not gone to zoning requesting a variance. He added that he feels that a soccer field at the Lions Club property is OK, with limited impact. In addition, the Selectmen are not saying which area, but they do need to choose one of the various designs for the Lions Club property to present at Town Meeting. Joel said that if the voters want the field at the Lions Club, then the Selectmen and the Town are not opposed to the wetlands and zoning question. Mr. McGillicuddy suggested the Selectmen review the blog which has a timeline since 2006 to present, if they are unclear of the votes. Russ replied that he does not look at the blog, but felt it is not an official Town sanctioned site. He added that Carter's timeline is very detailed and thorough, and after they receive Town Council's opinion, he felt it could be released to the public. Mr. McGillicuddy asked if there is information in Carter's timeline that the Blue Ribbon Commission did not have to make their recommendation. Russ replied that the information has been available to everyone, but not in any kind of understandable form. He added that the Town Administrator did as the Selectmen asked. All of this is a result of trying to make everyone happy. Carter told Mr. McGillicuddy that the information on his timeline is the same information given to the Blue Ribbon Commission. Mr.

McGillicuddy felt that the members of the BRC wasted their time and couldn't understand why their recommendation is different from what the Selectmen have chosen. Carter reminded Mr. McGillicuddy that he provided the BRC with a detailed memo which contained the same information as on the timeline he gave the Selectmen. The BRC formed their opinion and the Selectmen have theirs. The memo is on the web and they have had this discussion. Mr. McGillicuddy replied that he didn't remember this and asked Carter to provide him more information. Carter replied that it spoke to the question of which of the dollars from the various funds could be expended at which location and in what timeline the projects needed to be undertaken. He added that he'd be happy to print out this memo and send it to him again. Mr. McGillicuddy stated that if Carter felt so strongly about this, then the BRC shouldn't have bothered. Carter replied that it is his job to present the facts and the opinions drawn from them are the roles for policy making boards. Mr. McGillicuddy felt that the BRC wasted their time. Carter repeated that his job is to present the facts and it was the BRC's job to draw the conclusions. He added that the Selectmen after considering the facts will draw their conclusions and instruct him to implement the action. Russ agreed that it was BRC's job to draw their conclusions, just as any other committee or board. Mr. McGillicuddy questioned why the Selectmen agreed with BRC's recommendation and has now changed their mind. Russ felt that was his interpretation and the Selectmen made the decision to have Town Counsel review it and give an opinion, and if it comes to it, support it in court. Mr. McGillicuddy again suggested that the Selectmen review the blog and compare it Carter's timeline. Russ replied that legal counsel bears more weight in a court of law. Mr. McGillicuddy then questioned why the document has not been made public as this makes him question if this information is different than what the BRC received. Russ reminded him that correspondence between the Selectmen and Town Council is not open for discussion and is confidential, and once an opinion is received, he felt that the timeline could be released. Mr. McGillicuddy said that this issue has torn the Town apart and he wished that the issue would be resolved. Joel said that is why the Selectmen have made this decision. Let the Town choose one or the other. The Selectmen will have their recommendation and can inform the voters what the BRC recommended, which he felt was a fantastic job. He added that no matter what the Selectmen decide someone will disagree. 2) Peter Jensen asked if the question will be to construct only one field. Joel confirmed this, adding that if the vote is for the Lion's Club property, then a vote will be needed at another time to reconstruct Playground Drive. Mr. Jensen informed the Selectmen that Sheridan Road now has cable. On Sachem and Abenaki Roads from .35 to .4 miles there are now 6 homes, which he believes meets the 15 homes per linear mile for Time Warner to install cable. He asked the Selectmen to act on their behalf. 3) Donna Tatro asked the Selectmen to consider changing the time of their work sessions from the afternoons to evenings to allow working people to attend. She referenced last week's work session which was held at 3 p.m., with Mike Branley's report of the After School Program, many parents would have liked to attend but could not due to the time. She asked the Selectmen to reject the proposed changes and to support the current Recreation Department's Drop-In program. Ms. Tatro, an employee of the Recreation Department, stated that she doesn't work during the Drop-In program time, and the staff who manage it are excellent role models to the children. Ed agreed that the afternoon scheduling of the Selectmen's work session did not allow working people to attend. Joel informed Ms. Tatro that no decisions were made and this meeting was a work session only. Joel reported that the Selectmen will be meeting with the School Board on November 15th, 7 p.m., place yet to be determined to discuss the proposed After School program and the other recommendations. 4) Hollis Austin informed the Selectmen that the videos that he takes of the meetings are done in such a way that they can't be edited and are date stamped. Joel commented that he has viewed the blog on occasion, but it upsets him that the bloggers choose to be anonymous. Because of

this he has decided not to go back. Mr. Austin agreed that if they have a good idea, then they should put their name to it. 5) Peter Jensen said he is confused regarding the After School Program, asking if the discussion would be to integrate the program with the school and to not drop the program. Joel said that he's received a lot of phone calls and correspondence against this idea of integrating the two programs.

VI. NEW BUSINESS:

1. Review: Carroll County 2011 Tax Assessment: Betsey commented that Carroll County's tax is a little less than last year. Joel reported that the Town's share of the county tax is \$2,907,542 which is due before December 19th. Ed Made the Motion to approve payment of the Carroll County tax of \$2,907,542 payable before December 19, 2011. Betsey Seconded the Motion, adding that she is acting as a Selectmen and not a Carroll County delegate. The Motion carried Unanimously.
2. Review for Approval: County Taxation & Dispatch: Joel reported that last year during the budget process they questioned why the Town is being charged for the county's dispatch, when we have our own, and are funding dispatch services for towns that do not have their own. Carter has drafted a letter to the other Carroll County towns that also have their own dispatch but pay to support other towns. Ed Made the Motion to approve the letter as written. Russ Seconded the Motion. The Motion carried Unanimously. Betsey stated that she is acting as a Selectmen and not a Carroll County delegate.
3. Review for Approval: 2011 Fall Newsletter: Betsey wondered if it was possible or practical to put in the required notice regarding unmerging lots that were involuntarily merged into this newsletter. Carter reported that by law they must place the notice in the annual report and place it in public places (for the next 5 years). It will be on the Town's website, bulletin boards and in the annual report and possibly in the spring newsletter. For the fall newsletter, it would require a sizeable space which would mean editing out something else. Carter informed the Selectmen that because the state is late in setting the tax rate and tax bills going out late, some of the dates will be stale, requiring minor editing. Betsey Made the Motion to approve the newsletter with minor date editing as required. Russ Seconded the Motion. The Motion carried Unanimously.
4. Review for Approval: 2012 LR Household Hazardous Waste Collections: Carter reported that LRPC is looking for a commitment letter from the Town in the amount of \$6,800. He added that this figure will be slightly different in the budget, as he adds in the reimbursement to property owners to dispose of household hazardous waste from Wolfboro and Alton. Betsey Made the Motion to authorize the Chair to sign the letter of Commitment for the 2012 LR Household Hazardous Waste Collection. Russ Seconded the Motion. The Motion carried Unanimously.
5. Review for Approval: MPD's Highway Safety Grant – DWI/DUI Patrols: Carter said that the Selectmen have approved the MPD's grant application and now require the Chair's signature to accept the grant. Betsey Made the Motion to authorize the Chair to sign the Joint Approval of the Highway Safety Project Application. Ed Seconded the Motion. The Motion carried Unanimously.
6. Review for Approval: Wentworth Acres Annual Request - Closure 10/31/11: Approved by Consensus.
7. Review for Approval: FY 2011-2012 Plowing Contracts: Carter reported that these are the same rates as last year. The fuel surcharge takes effect if the price of gas exceeds \$4/gallon. Betsey Made the Motion to approve the 2011-2012 Plowing Contracts and to

authorize the Chair to sign the contracts. Ed Seconded the Motion. The Motion carried Unanimously.

8. Review for Approval: Property Owner's Request for Tax Payment Plan: Joel asked Susette Remson if the property owner makes this monthly payment will it pay off all of the taxes owed. Susette replied it will not by the end of this year. The tax payer violated their previous agreement as they stopped paying the \$50 when the 2006 balance was paid, instead of paying \$50 until all tax liens (includes taxes, interest and fees) are paid. The taxpayer states that this was a misunderstanding and is requesting a new tax payment plan. Susette added that this is a boat slip and because the association dues are in arrears, the taxpayer made arrangements to rent out the slip for three years which are paid directly to the association. If the Town were to tax deed the boat slip, she questioned if the Town would be required to honor the terms of that rental agreement. In addition, the Town could be charged the yearly association dues. Betsey Made the Motion to approve the payment agreement for MBLU 255-009-000-BS0-004 and authorized the Chair to sign the deed waiver. Ed Seconded the Motion. The Motion carried Unanimously.
9. Review for Approval: LRPC Request for Bicycle & Pedestrian Site Nominations: Carter asked that if the Selectmen wished to nominate an area to let him know on Monday, in order to meet the November 10th deadline and he would make the submission.
10. Review: 2011 Tax Rate for Signature: Carter reported that unfortunately this is not ready. Last week they hoped that by this meeting the tax rate would be set by the state.

VII. OLD BUSINESS: None.

VIII. OTHER BUSINESS:

1. Legislative Report: Betsey reported that the NH Presidential Primary has been set for January 10, 2012. The question of gambling has returned to the House. She asked that people should let her know how they want her to vote. The bill to repeal same sex marriage will come before them, and while she voted against it last year, she feels it should be left alone. The House and Senate are now two words apart on the constitutional amendment which will appear on the 2012 general election. Russ asked what the Town can do to support the constitutional amendment. Betsey said that the argument is for targeted aid versus doing away with donor towns. Carter explained the House and Senate disagreement over the two words. The House wants "...authority and full discretion..." in the constitutional amendment which they feel will negate the Supreme Court's decision. The Senate wants, "...authority, responsibility, and discretion..." Carter felt that to help them come to terms that they should use, "...authority, responsibility, and full discretion..." Betsey said that she needs to talk to the leadership for the strategy to educate the voters. She added that she doesn't feel the Legislature has discretion over the Supreme Court. She encouraged people to contact their delegates to vote in favor of the constitutional amendment. Carter added that this is the first step and without the constitutional amendment you can't target aid. Betsey said that the 2/3 of the House and Senate must approve along with 60% of the voters. Don McGillicuddy asked and learned that if it doesn't pass then donor towns would come back in 2013.
2. Board Liaison Reports: Ed asked Betsey to vote against the repeal of same sex marriage. He reported that he wasn't able to attend the last Planning Board meeting, but heard that the Road Subcommittee has their report and it will soon go to the Planning Board for

approval. Jean Beadle, Chair of the ABC reported that they've been meeting with school over their budget.

3. Administrative Update: Carter said that other than his weekly report, he didn't have anything else to add.
4. Milfoil Committee Minutes, October 12, 2011: Acknowledged.
5. Trustees of the Trust Funds Minutes October 19, 2011: Acknowledged.
6. Zoning Board of Adjustment, October 19, 2011: Acknowledged.
7. Planning Board Minutes, October 26, 2011: Acknowledged.

IX. CORRESPONDENCE:

1. Time Warner Cable, October 19, 2011, Program Changes: Joel reported this is their usual letter of possible program changes.
2. Cindi Tolman, October 25, 2011, Recreation Department's After School Program: Joel reported that the four letters are in support of the Recreation Department's Drop-In Program and the rejection of the proposed After School Program. Ed said he's received several phone calls and emails regarding the support of the Recreation Department's Drop-In program.
3. Connor Mahoney, October 27, 2011, Recreation Department's After School Program: Acknowledged.
4. Nicole Tikkanen, October 27, 2011, Recreation Department's After School Program: Acknowledged.
5. Dylan McIntyre, October 27, 2011, Recreation Department's After School Program: Acknowledged.

X. CITIZEN INPUT: 1) Kim Prause suggested that the Selectmen nominate the village corridor for the LRPC grant. Ed thought that was a good idea.

XI. NON-PUBLIC SESSION: Betsey Made the Motion that the Selectmen go into Non-Public per RSA 91-A:3 II (a) & (c). Russ 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 8:12 p.m.

The Board exited Non-Public Session at 10:00 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 10:01 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant