

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

Selectmen's Meeting

December 15, 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 7:05 P.M.

**II. PLEDGE OF ALLEGIANCE:**

**III. REVIEW / APPROVAL MINUTES:** Betsey made the Motion to approve the Selectmen's meeting minutes of December 1, 2, and 9, 2011. Ed Seconded the Motion. The Motion carried Unanimously.

**IV. PUBLIC HEARING:**

1. Proposed Termination of Red Hill Tower Lease: Joel opened the Public Hearing at 7:06 p.m. Chief David Bengtson told the Selectmen that during last year's budget process there was discussion about eliminating the Red Hill fire tower and the watchmen position. The position was eliminated and was staffed this year with part time call personnel on class III fire days or higher. Although there were not too many days, it was hard to schedule, as they didn't have the man power and were only able to staff the tower 60% of the time. The Chief said that he and his staff evaluated this plan, looking at the last 10 years and if manning the tower was critical for the Fire Department. The prevalence of cell phones has provided the department with better coverage and they decided that to man the fire tower was not necessary. Chief Bengtson did acknowledge that the Tower is a popular hiking destination. Joel reported that there has been a meeting between the area towns with the possibility of running the tower with Lakes Region Conservation Trust without any luck to date to come up with a plan. Carter reported that he's talked with Don Berry of LRCT who has met with Center Harbor Fire Chief Schlemmer and working with his board, hopes that something can be worked out. Joel added that LRCT wants someone up there as a greeter as it is part of their property. He added that it is hard for the Town to justify maintaining the tower for a greeter. In the past it took a lot of time to get to a phone to make a call to report a fire, but that's not the case now. Joel said that if something can be worked out with LRCT, he would be in favor of contributing money towards manning the tower, but someone needs to be qualified to do this and not just be a greeter. Chief John Schlemmer said there is a plan in the works and asked to refer anything to do with the tower back to LRCT, as it is their property. It is the hope to open it April 1<sup>st</sup> with the towns who have made the commitment. He added that LRCT and Moultonborough need to come to terms on the status of the lease that the Town holds. Joel said the option would be for the Town to terminate the lease and then it goes back to LRCT. Carter told the Selectmen that if they plan on terminating the lease they need to provide 60 days notice. The lease states if the tower isn't used for fire prevention services in a two year period, it automatically lapses.

The conditions of the lease are to either return the property to LRCT in good condition, with normal wear and tear excepted, or take it down. The lease speaks to the Town's obligation when it expires, but does not speak to the status of the property at turnback if the lease is terminated. Carter felt that it applies not only to the expiration of the lease, but to termination also. In the current recommended budget is a warrant article to provide up to \$5,000 as the Town's share for fire watchman. Russ wondered if they should terminate the lease and take down the tower. Joel replied that it is the hope that upon the Town terminating the lease that LRCT will take over the tower. If the Board wants to terminate the lease, Carter recommended providing the required notice, and of the two options of returning it in good condition or removing it down, the Town has decided to return it in good order. Carter felt that it would be expensive to remove the tower. Chief Bengtson told the Selectmen that the state has removed their equipment and Town's equipment has also been removed, the windows have been boarded and the tower is weatherized for the winter. Joel asked about the cabin and learned that it too was closed up for the winter. Carter recommends returning the property in good condition, with wear and tear excepted. Betsey Made the Motion to terminate the Red Hill Fire Tower lease and give it back to LRCT in good order and condition with excepted wear and tear. Russ Seconded the Motion. John Tolman asked what would be considered as normal wear and tear and what might need to be done. Carter said that they should wait to see what LRCT says. The Motion carried Unanimously. Joel closed the public hearing.

V. **NEW RESIDENTS:** Katherine H. & Robert J. Lewis, Ronald W. Hiemann, John M. Ulm.

VI. **CITIZEN INPUT:** 1) Hollis Austin told the Selectmen that people are receiving phone calls from a group called the NE Police Benevolence Association requesting donations, and makes it seem that they are affiliated by the Town's Police Department. Carter replied that this is the unit that represents members of the police union. Joel felt that the money wasn't going directly to the Town's Police Department. Russ said that he's received the same call and he's asked that his name be taken off the list, which did not occur as he got another call. Ed said that he's received the same call and kept talking until they hung up. Mr. Austin added that people in Town have also received envelopes from MPD, and asked if this was part of the benevolence association? Joel replied that this mailing is from the MPD. Mr. Austin then asked if background checks are done for Vision Appraisal (now Vision Solutions) staff. The Selectmen and the Assessor could not say, but would look into it, as they thought it was a good idea. Mr. Austin felt that background checks should be done for Vision as they are going to and in people's homes. 2) Clelia McKay asked and Joel told her that the Red Hill Tower is owned by the Lakes Region Conservation Trust. The Town has had a long term lease, \$1 per year. Ms. McKay said she wouldn't like to see the tower come down. Joel agreed, but thought it wouldn't come to that.

VII. **NEW BUSINESS:**

1. **Review for Approval: Discontinue WMF/Beach Permit Funding to Recreation Revolving Fund:** Joel commented that although he was not sure why the Recreation Revolving Fund got started, it has been a topic of discussion during budget time. Carter said that last year during the budget cycle he recommended discontinuing the RRF. He explained that the Recreation Revolving Fund was set up to receive half of the proceeds from the sale of the Transfer Station/Beach Permit sticker of what was in excess of the revenue estimate. In the past five years \$25,000 has gone to the RRF from the sale of the

stickers and this year another \$7,500 will go to the fund. Carter added that from the sale of the portable beach pass, 100% goes to RRF and this year that will be \$1,600. In the budget packet principles outline of November 14, 2011, it is recommended that in keeping with the matching principle vs. the fixed income approach, that this practice be terminated of transferring a portion from the Transfer Station/Beach sticker revenues. If the expense comes from the general fund then the income should go to the general fund. If an item is variable then it should come from the RRF and funds go to replace it. Betsey asked how much is in the fund and Carter told her approximately \$164,000 and it will be supplemented at year's end. Don McGillicuddy asked what the Recreation Department has done with the money. Joel replied that basically it has been left alone until this year with a plan to spend it and it is planned that some Recreation programs will be running out of the RRF. Hollis Austin asked what will happen with the sticker and Joel replied that the proceeds will go to the general fund. Mr. Austin asked the Board to consider splitting up the sticker to allow those to buy just a dump or just beach permit. Carter replied that people like buying one sticker to get into all Town facilities, and it is more efficient and a lower cost to the Town. Mr. Austin felt they should be separate for those who don't use the beach. Joel replied that this isn't up for discussion tonight. Betsey Made the Motion to endorse the principles outlined in the staff memorandum of November 14, 2011 as the basis for a reformulation of the Recreation Revolving Fund and immediately terminate the year end practice of transferring a portion of the Transfer Station/Beach sticker revenues and all of the Beach Pass revenues to said fund. Ed Seconded the Motion. The Motion carried Unanimously.

2. Review for Approval: Amend Recreation Assistant Job Description: Carter reminded the Selectmen that this was submitted in August with the resignation of Kaitlyn Sampson, but he asked to hold off until the SAU/Athletic Town Recreation report was considered. Since that question has been reviewed and answered, it is now time to advertise the position. Carter explained that there are only minor adjustments which do not affect the pay grade. Joel agreed that the changes were minor and the only significant one was increasing the education requirement. Betsey Made the Motion to approve the Recreation Activities Assistant job description as outlined in the memo of December 7<sup>th</sup> from Donna Kuethe. Ed Seconded the Motion. The Motion carried Unanimously.
3. Review for Approval: Resignation of Hilary Bride, Assistant Recreation Director: Joel said he was sorry to hear about Hilary's resignation as of December 30th and the Board agreed. The Selectmen accepted her resignation with regret and wish her well. Carter will draft a letter for their signature.
4. Review for Approval: Amend Recreation Assistant Director Job Description: Carter reported that this contains minor adjustments only. Betsey Made the Motion to amend the job description of the Assistant Recreation Director as outlined in Donna Kuethe's memo and received as of December 15, 2011. Russ seconded the Motion. The Motion carried Unanimously. Hollis Austin asked how many staff are there in the Recreation Department and learned that there are 3½ positions. Mr. Austin asked if this position could be eliminated. Carter replied that based on the Town Fellow's report which asked this and the Selectmen's response which answered the question that the position would be advertised. The Motion carried Unanimously. Carter told the Selectmen that these positions will be advertised after the first of the year. Ed added that there will be a reception for Hilary at the Recreation Department on Wednesday, December 21<sup>st</sup> from 6:30-8 p.m.
5. Review for Approval: Amend Vision Contract Re: Periodic Measure & List Program: Assessor Gary Karp told the Selectmen that the five year agreement with Vision states

that up to 750 permits will be inspected and up to 250 sales per year will be inspected. As the real estate market is down they are not approaching these numbers. In order to increase the number of properties being measured and listed, the thought was to amend the current agreement and use these numbers towards this. Gary explained that the last full measure and list occurred in 2004. Vision was favorable with the proposed amendment. Carter recommended the 'working within the budget' approach, and in order to do this the amendment must be approved. Joel explained that this is not a new contract, but an amendment to the present one. Betsey asked if the Town wanted background checks done on Vision staff, if there is enough money in the budget to do this. Carter thought that they should first ask Vision what their process is, and if they are not already doing this, and if it's not too much money then to find the money within the budget. Gary added that the contract started in 2009 and goes to 2013. Don McGillicuddy asked and Gary told him that up until recently, only properties that pull building permits or had sold are the only ones that are visited. Gary said that now when he receives an abatement, he is doing a measure and list on those properties. Most towns visit a set percentage of properties per year and then at revaluation make up the rest. Since 2004 the properties have gone through major upgrades and if done without a permit then the Town doesn't know about it. Using the funds set aside within the budget will allow the whole Town to be done by 2017, unless the real estate market improves. Carter reminded the board that attempts will be made to view all properties, but it's not likely given our number of seasonal properties, and the hope is to get into at least 50. Betsey Made the Motion to approve the amendment as presented, authorize the Chair to sign on behalf of the Town and endorse the principals outlined in the Staff Memorandum of November 3, 2011 as the basis for an ongoing Measure and List program as part of our periodic revaluation and statistical updates. Ed Seconded the Motion. The Motion carried Unanimously.

6. Review for Approval: Town Assessor - HB 514: Gary told the Selectmen that as a member of the NH Assessors' Association he received an email regarding House Bill 514 which is coming up for a vote in January. This bill states that assessing officials will not be able to go onto anyone's property without verbal approval or written approval and information gathered prior to the bill taking effect would not be allowed to be public information. He asked the Selectmen and the community to send a letter to their representatives to request they vote no on HB 514. Gary said that if the bill is passed equitable assessments wouldn't be possible. He added there is another bill that would allow an abatement without allowing an assessor to enter the property. Russ asked and Gary confirmed that this bill would disallow the health inspector or code enforcement to enter any property. Ed expressed concern, especially for waterfront properties that pollution will occur. Betsey said that the bill came about from one property owner who was opposed to mineral information being taken from his property. The bill started out slow, but has gained a lot of momentum. She is glad assessors have come together to fight this. Ed Made the Motion to have Carter send letter of the Board's opposition to House Bill 514. Russ Seconded the Motion. The Motion carried Unanimously.
7. Review for Approval: 2012 Task Order Road Program Planning & Development: Carter reported that they've worked on this process for the past couple of years, to begin the process for the 2012 Road Program. Russ felt that it was a lot of service for the money. Betsey Made the Motion to approve the 2012 Road Program Task Order and to authorize the chair to sign it. Ed Seconded the Motion. The Motion carried Unanimously.
8. Review for Approval: Finance & Personnel Director, Budget Amendment & FY 2011 Encumbrances: Carter reported that this transfer to the capital program will cover a short

- fall for the fire boat, repairs to the slope on the Northern end of Ossipee Park Road which should be reimbursed by FEMA, and the balance of the LighTech contract due to repairs at Public Safety Building. Also it is necessary to encumber the funds for road projects, Ossipee Park Road, LighTech contract, the fireboat, and the Police Department's dispatch console. Betsey Made the Motion to authorize the budget amendment #3 as presented and authorize the Chair to sign. Russ Seconded the Motion. The Motion carried unanimously. Betsey Made the Motion to encumber the items as listed as of December 22<sup>nd</sup>. Ed Seconded the Motion. The Motion carried Unanimously.
9. Review for Approval: Finance & Personnel Director, FY 2012 Holiday Schedule: Russ asked about the proposed schedule with Town departments being open on Veterans' Day. Carter replied that the reason this is proposed is to be closed for Monday, Christmas Eve in 2012. Russ asked if the President's Day holiday could be eliminated instead of Veterans' Day. Betsey wondered if Presidents' Day falls during the February school vacation for employees with children. Carter said that Heidi and Scott worked on this. He didn't see any reason why the holidays couldn't be switched. The Selectmen by Consensus approved the proposed holiday schedule with the exception of being open on Presidents' Day and closed on Veterans' Day.
  10. Review for Approval: Order to Town Treasurer to Issue Refund, MBLU 202-008: Betsey Made the Motion to authorize the Town Treasurer to refund the partial payment made by John O. Savilonis, former owner of 710 Moultonboro Neck Road. Ed Seconded the Motion. The carried Unanimously.
  11. Review for Approval: DES' 2012 Grant Milfoil Treatment & Treatment Agreement: Carter explained that there are two agreements. The first is to accept the grant from DES for \$35,000 for treatment of Lees Pond and portions of Lake Winnepesaukee and the Chair should be authorized to sign it. The second agreement is to approve the agreement for Aquatic Control Technology, a state approved bidder, to conduct the herbicide treatment, which is the same firm the Town has used for the last two years. Russ asked if the \$35,000 is a matching fund and Peter Jensen said it is a 50% match up to \$120,000. Ed Made the Motion to accept the DES 2012 Milfoil Grant and the treatment agreement with Aquatic Control Technology, authorizing the Chair to sign. Jim seconded the Motion. The Motion carried Unanimously.
  12. Review for Approval: Market Value Amended, MBLU 044-013: Carter reminded the Selectmen that this is the property on Old Route 109 and new 109 abutting the Rock Pile, LLC property. The Town's Planner met with DOT and received a letter perfecting the transfer of the Old Route 109 right of way to the Town. In so doing, the size of the land was reduced from 2,700 square feet to 1,638 square feet. The Assessor provided a new market value of \$1,650. Betsey Made the Motion to approve offering this property for a selling price of \$1,650 with the required contingencies, and authorizing the Chair to sign. Ed Seconded the Motion. Carter said he'll have a purchase and sales agreement drawn up with the contingencies for Joel to sign. The Motion carried Unanimously.
  13. Review for Approval: Citizen's Petition to Amend Zoning Ordinance/Special Exception Forwarded to Town Planner: Carter reported that this petition has been forwarded to the Planning Board. As a result there is a moratorium of filing special exceptions without a variance until the warrant article is decided at Town Meeting per statute. Tom Howard member of the Planning Board said this question had been at Town Meeting before and was turned down.
  14. Review for Approval: Sick Leave Bank Membership, Dennis Emerton: Ed Made the Motion to Approve Dennis Emerton's request to become a member of the Sick Leave Bank. Betsey Seconded the Motion. The Motion carried Unanimously.

15. Review: NH Department of Revenue Administration, 2012 Education Tax Warrant: Acknowledged.
16. Betsey reported that the Selectmen have received a complaint against a Town employee and they will be investigating.
17. Betsey asked if the Selectmen would be in favor of a warrant article asking the Town to allow the establishment of a Charter Commission per RSA 49-B. She felt it is important to have an open, year round discussion on this question. She explained that now we have the Town Meeting form of government with five Selectmen and a Town Administrator. Another form is SB-2 which would eliminate Town Meeting. RSA 49-B 3, allows the Selectmen to bring the question forward and then to hold an election for nine people to be on the commission to draw up a charter to be voted on at the next election. In order to do this it must be on the 2012 ballot. Betsey Made the Motion for the Selectmen to order that the question be put on 2012 ballot to establish a charter commission. Ed Seconded the Motion and spoke in favor of charter government. Tom Howard asked and learned that the warrant article would be on the 2012 Town Meeting to vote to establish a Charter Commission. Betsey further explained that shortly after Town Meeting, the Selectmen would order an election to vote on nine members for the Commission. Mr. Howard asked what would happen if nine people didn't come forward and could the Selectmen appoint members. Betsey said she wasn't sure and would need to check. Carter said it would be the same procedure as failure to elect. Pete Welley asked that more information be presented to the community before Town Meeting. Carter said they could put "A Frequently Asked Questions" on the Town's website and develop a brochure and have it be ready at least one week before the budget public hearing, probably mid January. Mr. Austin asked why the Selectmen have changed their minds since the discussion of SB-2 and would a charter increase voter participation. Betsey said it could increase participation. Her opposition to SB-2 was that Concord would be telling the Town what to do, especially when they change the rules for SB-2. Putting the question on the warrant will give the people an opportunity to evaluate this. The charter approach will allow the Town to have more independence vs. SB-2. Mr. Austin then asked if this is similar to the Budget Committee process with an exploratory committee. Carter replied that the establishment of a charter commission must be placed on the next regularly scheduled Town election. If the Town votes yes, within a period of time after the election, another election is conducted for the members of commission. They then have a specific amount of time to develop a charter and that goes to the next ballot. The Motion carried Unanimously.

**VIII. OLD BUSINESS:** None.

**IX. OTHER BUSINESS:**

1. Legislative Update: Betsey reported that there are 4 to 5 several important votes coming up along with the constitutional amendment. She added that hearings will start soon.
2. Board Liaison Reports: Ed reported the Planning Board met last night, working on upcoming schedules, the hearings for December 19<sup>th</sup>, and also the Road Sub-Committee reported. He also attended VNS Board of Trustees meeting and was impressed with all that they do.
3. Administrative Update: Joel reported that he and Carter went to the meeting in Sandwich to talk about the Moultonborough Bay Inlet study and asked the Sandwich Selectmen to consider becoming part of the study and asked if they would consider testing their brooks

and streams to rule out any contamination running into the Moultonborough Bay. The Sandwich Selectmen said they will check.

4. Zoning Board of Adjustment Minutes, December 7, 2011: Acknowledged.

**X. CORRESPONDENCE:**

1. Cathrine Nilson, December 5, 2011, Shannon Cemetery: Cathrine Nilson asked the Selectmen to address her letter, which she sent late last spring and later was told that the monuments that didn't conform would be addressed. To date she hasn't received any information. The other monument continues to not conform and has expanded and minimizes the other monuments. Ms. Nilson said she offered three solutions and one was to move her family's plot or ask the other family to comply. Joel confirmed that the Christmas decorations on the other monument are out of hand. Betsey said she felt that the Nilson's plot should be moved. Russ felt that this didn't resolve the problem for the other plot owners. He added that the non-complying family has ignored the Town's requests. Jim and Ed both agreed that they need to deal with this. John Tolman agreed that the monument is out of place and asked what the set of rules were in effect when it went in. Pete Welley said that there were parameters, but it didn't discuss these issues. Russ said that the Town is over 200 years old and there is a normal decorum that people follow and so these questions didn't need to be addressed. Ms. Nilson said that the monument encroaches on the Town's property. Mr. Tolman asked again if there were any size limits and learned that the monument couldn't be any higher than 4 feet high and that is all that is stated. Joel said that they and previous Selectmen never went and checked and some of the monuments are not located where they are supposed to be. He suggested that the Board should decide to resolve the problem by moving the Nilson's plot. Betsey Made the Motion to move the Nilson's plot. Ed Seconded the Motion. Joel suggested adding language "...as soon as possible", before the ground freezes. Betsey amended her motion to read as soon as possible. Jim suggested having Alison to review the availability. John Tolman asked what will happen for the other families in Shannon Cemetery. One of the issues is, Joel reported, is that this family purchased several contiguous lots. Carter said that new rules could become much stricter limiting what could be done, especially for other families. Betsey felt that the non-conforming family needs to comply. Kim Krause asked if any of this is on Town property which would allow the Town to take action on. Russ said that the foundation of the monument is outside of their plot. Joel added that the Town hasn't been consistent in deeding the plots with walkways. John Tolman felt that if needed this should be a court case the Town should fight. The Motion carried Unanimously.

- XI. CITIZEN INPUT:** 1) Hollis Austin asked where people could go to read the HB 514 which is opposed by the Assessor. Betsey said that it's a House bill, and suggested he call the Judiciary Committee to get a copy of the minutes. Betsey said she'd try to get him a copy of the record for HB 514. Discussion occurred about private property rights and the process that allowed this bill get out of control.

- XII. NON-PUBLIC SESSION:** Ed Made the Motion for the Selectmen to go into Non-Public Session per 91-A:3 II (a) and (c). Ed seconded. A Roll call was taken: Jim – Aye; Betsey – Aye; Ed – Aye; Russ – Aye, Joel – Aye. The Selectmen went into Non-Public Session at 9:30 pm.

The Board exited Non-Public Session at 10:20 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:** Ed Made the Motion to Adjourn. Jim Seconded the Motion.  
Motion Carried Unanimously.  
Joel adjourned the meeting at 10:21 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Administrative Assistant