

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

Selectmen's Meeting

January 5, 2012

MINUTES

Selectmen: Joel R. Mudgett, Chair, Edward J. Charest, Vice Chair, 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 15, 2011, 4 PM and 7 PM. Ed Seconded the Motion. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Eric & Erika Triquet, Nancy F. Zimmerman, Robert P. & Judith L. Valade, Jessica L. Davis, Donald Martin, Barry J. Lewis, Ethan S. Goddard, Judith Y. Decarteret, Chris E. Ulm, Abigail E. Horne, Debra A. DiBona, Joanne A. & Vincent A. DeFlumeri, Laura A. Connors.
- V. **CITIZEN INPUT:** 1) Joel, in response to Hollis Austin's question from the December 15th meeting told him that Vision Appraisal does background checks on all of their employees. Mr. Austin asked and Joel replied that the background check they use is standard and meets the Town's requirements. 2) Hollis Austin asked the Selectmen why the Agenda for this meeting (7:00 p.m.) was not posted on the Town's website and why the "email blaster" went out and directed subscribers to tonight's Agenda, but when opened found the meeting notice for the 4:00 p.m. meeting notice instead of the Agenda for the 7:00 p.m. meeting. He added that he was made aware of this problem by another individual who was upset that they did not receive the email that gave them the correct Agenda. In addition he asked how it is determined what email blaster is to be sent and why the Selectmen's Agenda was omitted. Mr. Austin felt that "Town's people" were concerned that they were not receiving all of the information and at times were being misled. He added that during the December 15th meeting the Agenda for that meeting did not have the Charter Commission item on it, but it was discussed at the meeting. Joel replied that Betsey asked the Selectmen during New Business if they were in favor of asking the Charter Commission question on the Town Warrant, which they had not discussed prior to the meeting. He added that the Charter form of government has been a matter of discussion on and off for the past six years. Joel admitted that at this time he is not sure that he fully understands the Charter form of government, but felt it is worth the Town having the discussion. Mr. Austin said that he thought it should have been on the Agenda. Betsey told Mr. Austin that she takes responsibility for bringing up the question as she feels she has the knowledge from her long experience as a Legislator and it is the right time of the year to discuss it. She added that in years past when the question of SB-2 came up, this is when the Charter form of government has been discussed by the Selectmen. While Betsey apologized for not listing it on the Agenda, she knew that if it had been, then the SB-2 petition would be submitted prior to the meeting, which by law would eliminate having the Charter Commission being placed on the Town Warrant. She commented

that some people don't like it when the Selectmen take the lead, while others complain that they don't lead enough. Betsey stated that if the voters are unhappy with her, then they can demonstrate this by not re-electing her in 2013. 2) Clelia MacKay asked if the voters will have a chance to discuss changing to a Charter form of government. Russ replied that when Betsey proposed the question, he'd read about it and was aware that previous Selectmen have discussed it. Charter form of government is very involved and specific how to proceed. Russ felt that the Town deserves to explore this through a Charter Commission, which will take a year for them to develop and then what they propose would be on the 2013 Town Warrant. However, at this year's election, if the people don't want a Charter Commission, then the question is over. Betsey stated that the question will be placed on the ballot. Ed confirmed that if the Town approves, then a Charter Commission has approximately 210 days to explore and develop a Charter form of government for Moultonborough and then the Town will again vote on it. In response to Mr. Austin's concern about the Agenda "email blaster", Carter explained that there is a glitch with Virtual Town Hall's program, which is the Town's website vendor. The Agenda email blaster did go out on Tuesday, along with posting the meeting on the website calendar, but because of the program glitch it went out incorrectly. Once the error was discovered (early Wednesday morning) the website was corrected. Carter said that he made the decision to not send out another email blaster, as staff had other priorities. Joel felt that the Town and its website have come a long way and it is still a work in progress. These things will happen occasionally as no one is perfect. 3) Mr. Austin restated his concern that he was still concerned that the Charter Commission question was not on the Agenda. Joel replied that if it had been on the Agenda then the SB-2 petition would have been submitted prior to the meeting and that would have been the end of the Charter discussion. Russ stated that he read Rick Heath's article in the newspaper and felt that he didn't have his facts correct. Russ felt comfortable asking the Charter question with the knowledge he has now, and with the Town's approval to explore it further with a commission. Betsey stated that she wants to be sure that the Selectmen reserve the right to bring up an item not posted on the Agenda during the meeting. She feels that with her 17 years of experience as a Legislator she is knowledgeable of the Charter form of government and the Town should have the open discussion of this option. 4) John Tolman said that he is not an SB-2 fan, but it seems that the Legislature has set up the rules making it very difficult. Betsey confirmed this stating that the law is that only one of these questions (Charter or SB-2) can be on the ballot. 5) Peter Jensen told the Selectmen that he appreciates the informative Agenda and reminded everyone that all that is required is a meeting notice. 6) Mr. Austin stated that he wants to insure that people can participate in their government.

VI. NEW BUSINESS:

1. Review: Supervisors of the Checklist's Appointment of Town Moderator, Jerry Hopkins: Joel announced that the Supervisors of the Checklist had appointed Jerry Hopkins on September 22, 2011, as the Town Moderator after Mel Borrin's passing. Mr. Hopkins will be filling Mel's term which expires at the end of the March 2012 election and Town Meeting.
2. Review: 2012 Citizens Petition – Loon Preservation Committee: Joel asked that the petition requesting \$1,000 be placed in the Budget file.
3. Review: NH DOT 2012 State Highway Block Grant Aid: Joel reported that the state is estimating the 2012 Block Grant Aid at \$135,824.
4. Review for Approval: Conservation Commission Appointment – John Oliver: Joel reported that the Chair of the Conservation Commission in her letter requested that the Selectmen appoint John Oliver as an Alternate. Ed Made the Motion to appoint John

Oliver as an Alternate to the Conservation Commission. Betsey Seconded the Motion. The Motion carried Unanimously.

5. Review for Approval: Receive Report of Crawford Polygraph, Re: Police Department: Joel reported that they have received the report on the Police Department and asked the Selectmen to review it prior to having Mr. Crawford come in to present it. It was agreed by Consensus to ask Mr. Crawford to come in and present the report at the January 26th work session at 4:00 p.m. Carter told the Selectmen that the report will be placed on the Town's website once we receive an electronic form and a paper copy will be available for public viewing in Administration.
6. Review for Approval: Request of George White, Tax Deed MBLU 121-080, 7 Elycee St.: George White asked the Selectmen for a payment plan to get his house back. Carter reported that he told Mr. White that he'd get him the pay off figure (\$40,000 +/-) prior to his submitting his letter to the Selectmen. He reminded them that Town Counsel advises that the statute is mandatory that 15% of the assessed value shall be collected. Despite Town Counsel's opinion that the Selectmen are authorized to dispose of property "...by means of sealed bids... or as justice may require..." Carter felt that this was not a part of the redemption process and therefore did not apply in this case. Joel asked Mr. White if he wanted to take this discussion to Non-Public Session and he replied that it wasn't necessary. Russ commented that tax deeding is a three year process and the Tax Collector has made multiple efforts to contact property owners. He added that the Selectmen dislike having to tax deed, but they have no option when property owners don't respond. When Russ asked why he did not contact her, Mr. White replied that he had no excuse. Joel told Mr. White that the Selectmen don't like to have tax deed properties, but that there isn't much that can be done as they must follow the statute. Mr. White said that he could pay the back taxes, but not the 15% penalty. Betsey asked Carter if the statute requires one payment and learned that it did. She explained to Mr. White that if he had contacted the Town prior to the tax deeding, they could have worked out a payment plan. Mr. White asked if he could pay the back taxes and the Town place a lien on the property for the rest. Carter replied that he didn't think the statute addresses this and if the Selectmen want, he'll research it, adding that there is plenty of equity. He reminded the Selectmen that he was told to evict and unless directed otherwise, that is what he's going to do. Joel recommended to Mr. White that he go to his bank and borrow the money. Mr. White questioned if he could do this, as he is no longer the owner. Carter said the process would be like buying the house and getting a mortgage. Mr. White asked if he could continue to reside at the house. There was discussion about the inspection conducted by the Code Enforcement Officer, the identified code violations, and the Town's liability as a landlord if they allowed the house to be lived in. It was decided that Mr. White's possessions could remain in the house until March 1, 2012, but he and his family could not occupy it. Mr. White asked about the code violations and he was advised to set up a meeting with Carter to go over this.
7. Review for Approval: Stewart's Ambulance & Tuftonboro: Carter told the Selectmen that he tries to stay with the printed Agenda items and not bring any extra items to the meeting, however a recent request has been made that requires their decision. He told the Selectmen that Stewart's Ambulance has been requested by Tuftonboro to provide ambulance service, as they have been having difficulties with their present provider. Stewart's is asking to place a second ambulance at the Public Safety Building to meet the extra demand on January 30th. The second ambulance would be at the PSB from 8 a.m. to 8 p.m. He reminded the Selectmen that they gave approval to do this during the summer months through Columbus Day to meet the increased demand. Carter felt that

the demand from Tuftonboro would be minimal. The Town would benefit and would be helping out their neighboring town. The situation can be reviewed in January 2013 to decide if it is working out and if needed costs could be looked at. Joel said that he felt OK with this, but wants assurances that the Town will be adequately covered. Carter said he will confirm that the Town will be covered by two ambulances from July 4 through Columbus Day and will be the priority during this time. The Selectmen agreed by Consensus and Carter said he will get confirmation.

VII. OLD BUSINESS: None.

VIII. OTHER BUSINESS:

1. Legislative Update: Betsey reported that the House overrode two vetoes. One was the bill that will allow parents to object to objectionable educational materials for children ages 6-18. The other was the Title Loan Lenders bill. Other bills being considered is the rail transit authority, health insurance mandates, fuel pre-buy disclosures, and fetal homicide. Betsey reported that HB514 has been amended exempting assessors having to obtain prior notice and withholding assessing information from the public. Betsey was not sure if the bill had passed.
2. Board Liaison Reports: Ed reported that the Planning Board held its first public meeting with only two people in attendance. Russ reported that the ABC has met to review the various budgets. The meeting this past Monday with the School Board went well with only a 1.8% increase considering all of the increases they face.
3. Administrative Update: Other than Carter's weekly update, he did not have anything else to add.
4. Visiting Nurse Service Board of Directors Minutes, December 6, 2011: Acknowledged.
5. Milfoil Committee Minutes, December 7, 2011: Acknowledged.
6. Planning Board Minutes, December 14 & 19, 2011: Acknowledged.
7. Advisory Budget Committee Minutes, November 15 & 29, December 16, 2011: Acknowledged.
8. Trustees of the Trust Funds Minutes, December 19, 2011: Acknowledged.

IX. CORRESPONDENCE:

1. Time Warner Cable, December 7 & 21, 2011, Possible Program Changes: Joel reported this was their usual letter. Ed said that he'd heard they were requesting a 53% increase.

X. CITIZEN INPUT: 1) Peter Jensen asked Betsey to find out more about house bill HR1529, a bill that would ban herbicide and fluoride treatment within a 10 mile radius of any water system. Mr. Jensen expressed his concern; especially for herbicides as the Milfoil Committee has no evidence of any problems.

XI. NON-PUBLIC SESSION: Betsey Made the Motion for the Selectmen to go into Non-Public Session per 91-A:3 II (a). Ed seconded. A Roll call was taken: Betsey – Aye; Ed – Aye; Russ – Aye, Joel – Aye. The Selectmen went into Non-Public Session at 8:16 p.m.

The Board exited Non-Public Session at 9:47 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:** Russ Made the Motion to Adjourn. Ed Seconded the Motion.
Motion Carried Unanimously.
Joel adjourned the meeting at 9:48 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant

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