

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

Selectmen's Meeting

March 29, 2012

MINUTES

Selectmen: Joel R. Mudgett, Edward J. Charest, Betsey L. Patten, Jonathan W. Tolman, 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 March 15, 2012. Ed Seconded the Motion. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Joshua A. burrows, Tammy L. Johnson, Kate M. Arsenault, Walter E. III & Brianna M. Hills, Tiffany J. Grade, Marisa Barbaccia, Margaret R. & James F. Hoburg, Paul J. Esdale.
- V. **CITIZEN INPUT:** 1) Al Hume asked if there was any money left over from the sanding budget. Scott Kinmond, Highway Agent, explained that his department turned back \$100,000 in 2011. Mr. Hume recalled that last year \$45,000 of this money went back to the DPW department towards the roads. Carter replied that this is the Snow & Ice budget, and the small storms with ice are more difficult and more expensive than people would think. Scott reported that from October 11th through March 28, 2012, Highway has used 4,200 tons of sand, mainly on private roads, and 1,100 tons of sand on both Town and private roads. This exceeded what was expected. Scott added that the Selectmen determine how to use the overage. Joel agreed with Mr. Hume that last year \$45,000 of the overage, based on the Highway Agent's request, did go towards the roads. 2) Hollis Austin congratulated Joel on his re-election and Jon on becoming a new Selectman. He also thanked the DPW for replacing his street's sign. He asked Scott how he determines when to remove the road postings. Scott replied that he goes by what NH DOT does and along with observing the frost in the ditch line and the rate at which it recedes. This year there has been a lot of mud due to the excessive frost. Mr. Austin asked and Scott reported that the paved roads suffered. He has received a lot of complaints on state owned and maintained Moultonboro Neck Road, as it is in bad condition. He has referred those who have complained to their legislators and NH DOT. Scott felt that the Town roads were in good condition. Joel commented that over the years the road bans generally come down when ice out occurs.
- VI. **NEW BUSINESS:**
 1. **Board Reorganization:** Betsey Made the Motion to nominate Joel as Chair of the Board of Selectmen. Ed Seconded the Motion. The Motion carried. Betsey Made the Motion to nominate Ed as Vice Chair and Russ Seconded. The Motion carried Unanimously.

2. Selectmen Liaison Positions: 1) Advisory Budget Committee 2) E-911 Committee 3) IMA-Ambulance 4) CIPC 5) Coalition Communities 6) Planning Board Member & Alternate 7) Heritage Commission 8) Visiting Nurse Service 9) Master Plan Implementation Committee 10) IMA-Milfoil Committee: 1) Russ asked and Ed agreed that he'd be willing to be the representative to the Advisory Budget Committee. 2) Joel said that he'd be willing to stay on the E-911 Committee. Carter reported this group has not met in over four years and that he will be meeting with Chief Bengtson and the Highway Agent to review what if anything is needed. 3) Joel said that he'd like to remain on the IMA-Ambulance Committee. Carter asked and the Selectmen agreed to appoint Chief David Bengtson as the community member. 4) Betsey offered to continue acting as an alternate for Joel when needed to the CIPC. Joel said that he'd prefer not to be on the CIPC as he has difficulty making the afternoon meetings. Jon offered to take it on. Carter reported that he and the Planner will be reviewing the CIPC's charge and lessons learned, adding that the Selectmen do not currently allow an alternate member. 5) Betsey said that she'd like to continue with the Coalition Communities. 6) Ed said that after six years of being on the Planning Board, he'd like to step down. While he enjoyed the site plan visits and seeing the buildings, etc., the long and late meetings were not good for his health. Russ offered to be the Selectmen's representative and Betsey said she'd be the alternate. 7) Ed said he'd like to stay on the Heritage Commission. 8) Ed also would like to stay with the VNS. 9) Betsey said she'd liked to stay on the MPIC. 10) Carter said that he'd be willing to have one of the Selectmen take his place on the IMA-Milfoil Committee. Betsey Made the Motion to appoint Carter as the Executive representative and community members Al Hoche as the Member and Karin Nelson as the Alternate. Joel Seconded and the Motion carried Unanimously.
3. Review for Approval: Recreation Advisory Board, Al Hume, Chair: Al Hume asked for clarification regarding whose responsibility it is to appoint present alternates as members when a vacancy occurs. Joel confirmed that it is the Selectmen's responsibility to do this, usually based on the board's recommendation. The RAB is asking to re-appoint Chris Shipp to June 30, 2014 to get back to a 2-2-1 schedule. Betsey Made the Motion to appoint Chris Shipp as a member to the Recreation Advisory Board and his term to expire June 30, 2014. Jon Seconded the Motion. The Motion carried Unanimously. Joel asked and Mr. Hume confirmed that the RAB needs two alternates. Carter reported that an ad has just been placed for a number of positions and hoped that people will volunteer.
4. Review for Approval: 2012 DPW Truck Purchase: Scott Kinmond reported that DPW's truck #4 (3/4 ton) is being decommissioned and will then go to the Fire Department. As approved at Town Meeting, DPW is requesting to purchase the 1 ton pick-up truck with cab and chassis, through the approved state bidder, Irwin Motors, at a cost of \$38,500. He is requesting authorization to make the purchase and expects a 4-6 week delivery. Joel asked and Scott confirmed that this truck being decommissioned is the 2001 pickup. Ed Made the Motion to authorize the Highway Agent to purchase the 2012 Ford F350, as outlined in the memo dated March 19, 2012, to not exceed \$38,500. Betsey Seconded the Motion. The Motion carried Unanimously. Joel expressed his concern about spending a lot to rehab the 2001 truck. Carter reassured him that the estimated cost is no more than \$2,500 to \$3,000. Scott confirmed this and in order to save on costs, Highway has been doing a lot of the repair work.
5. Review for Approval: 2012 Roadside Mower Rates: Scott reported that the 2012 rates are based on the state's rates from 1999 along with the different equipment, horsepower and attachments. This has been computed as an hourly rate with the fuel surcharge that the Town has established and recently adjusted. Betsey made the Motion to approve the

2012 Roadside Mower Rates and fuel surcharge as detailed in the memo dated March 20, 2012, authorizing the Chair to sign the agreements. Ed Seconded the Motion. The Motion carried Unanimously.

6. Review for Approval: Acceptance of Two Donations/Human Service: Carter reported that Latchkey Charity has donated \$3,350 and Altrusa \$150 and it's intended to assist residents who do not meet Human Service criteria eligibility but who have demonstrated need. He added that these funds are not intended to reduce the Human Service budget. Carter recommended expending funds out of the general budget and then withdraw from the trust fund at the end of the year, leaving a one dollar balance in order to keep the account open. Betsey Made the Motion to accept the Latchkey Charity's donation of \$3,350 and Altrusa's of \$150, and asked that a thank you letter be sent to both organizations. Jon Seconded the Motion. The Motion carried Unanimously.
7. Review for Approval: 2012 Off-Duty MPD Rates: Acting Chief, Sgt. Peter Beede requested that the Selectmen raise the rates for off-duty details. The present rate is \$45/hour for an officer and \$50/hour for an officer with a cruiser. Sgt. Beede reported that the department is losing money at the present rates. He is requesting that the rates be raised to \$50/hour for an officer and \$60/hour for an officer and cruiser. Russ Made the Motion to increase the rates for off-duty details to \$50/hour for an officer and \$60/hour for an officer and cruiser and authorizing the Chief of Police to make the determination to require cruisers be required as needed for details. Betsey Seconded the Motion. The Motion carried Unanimously.
8. Review for Approval: 2012 Cruiser Purchase: Sgt. Beede requested authorization to purchase the 2013 Ford Police Interceptor Sedan as approved at Town Meeting through the approved state bidder, Irwin Motors. In addition he requested that this cruiser be black and white versus the present white. The difference in cost is an additional \$750, which includes all decals, and the Town's seal. Sgt. Beede in his memo to the Selectmen outlined several positive reasons for the change. The recent Police Study recommended increasing the Police Department's visibility throughout Town and black and white cruisers will do this. Joel replied that he wasn't opposed to this. Ed asked and learned that the cruiser would be reflective. Russ Made the Motion to authorize the Interim Chief to purchase the 2013 Ford Police Interceptor, black and white, to not exceed \$25,000. Sgt. Beede reported that they budgeted \$27,289 and this is a savings of approximately \$2,300. Betsey Seconded the Motion. The Motion carried Unanimously. Jon was glad to see that the Town's seal would be back on the police cruisers. Sgt. Beede asked the Selectmen how they would like to transition from the white to the black and white cruisers. One way would be to phase in the black and white as the new cruisers come into the fleet. Or they could be done all in one year, for 3 cruisers and the Ford Expedition at a cost of \$6,500. Jon said that he researched this and agrees that the black and white are more visible, but would prefer to phase in the new cruisers. Russ agreed to phase them in as they are purchased. Jon asked and Sgt. Beede replied that he was not proposing to paint the canine cruiser as its future is uncertain. Jon Made the Motion to phase in the black and white colors as the cruisers are purchased. Ed Seconded the Motion. Paul Punturieri asked what was being purchased and learned that the Ford Police Interceptor Sedan is actually a Ford Taurus with a police package. The Motion carried Unanimously. Joel thanked Sgt. Beede and the Police Department for their work on this.
9. Review for Approval: Bid Results, Painting of Historic Buildings: Joel reported that there was some controversy over the painting bids and which to accept. Cristina Ashjian, Chair of Heritage Commission reported that the commission reviewed the bids and she

met with Kathy Garry of the Historic Society to review them. Due to the high profile and extreme visibility of these two historical buildings, both the Heritage Commission and Historic Society recommend the bid by JLT Painting. Russ recalled from his previous years as a Selectman, that they used to open the bids during their public meeting and asked why they don't follow that procedure. Joel replied that opening the bids in the afternoon is more convenient for business owners. Betsey added they've been following the present procedure for 3-4 years. Joel recalled the purchase of a backhoe for DPW that had many options and it was very confusing. Opening them in the afternoon allows staff to review them carefully and outline all the different bid possibilities and how they complied with the bid specifications. Joel reminded everyone that the Fire Rescue Truck will be a similar situation as the backhoe. Betsey commented that previously the bids that were being reported weren't clear and she felt the present process was better. Russ said that he understood their reasoning, but now they have 2 out of 4 bidders being disqualified. Carter replied that typically none of the bidders fully comply, often with minor informalities, and the EPA standard wasn't required. He added that the lowest bidder with three good references was DCS Contracting, but they wanted a 50% down payment. When he spoke with them, they wouldn't change this requirement and therefore were disqualified. The next two lowest bids were CK Landmark Construction and XJL Property Services. Both references were checked, but XJL required 120 days to complete which is too long. The references for JLT Painting, the highest bidder which is 10% above the lowest qualified bidder (CK Landmark Construction) were not checked. Carter said that staff recommends CK Landmark Construction's bid of \$11,500 and asked that they authorize Carter to sign the contract with a \$1,500 contingency. Russ asked and Carter replied that staff is comprised of himself and Don Cahoon, the CEO. Jon asked why Carter thought that JLT didn't acknowledge the addendum, when they were the bidder who asked the question about oil paint, which was what the addendum was about. Jon added that he thought it wasn't necessary that they acknowledge their own question and the answer they'd already received. Betsey asked what was budgeted and if this included repairs if needed. Carter replied that repairs to the buildings had been done in 2011. Ms. Ashjian felt that the scope of bid requirements were minimal, adding that JLT's website explained the work that they do and how they would make repairs if needed. She added that at the time of their review they did not have CK's references and they do not have a website. Al Hume stated he'd like to see the bids being opened during public meeting. Joel wanted to be clear that the bids were advertised and the public could attend the opening of the bids. Carter said that the basic issue was that the bids were put out with the specifications and they received four and the second lowest bidder is qualified and recommended. Mark Borrin asked if cheapest is always the best. Carter replied that each bidder approached this with their own scopes, despite the scope being given, and the lowest qualified bidder is recommended. Jon felt that the Heritage Commission's recommendation is based on that they are painters while the others are contractors who can paint. He added that he's been trained in lead paint mitigation and is leery over this. Hollis Austin felt that the scope should've included repairs. Adding that repairs made by a carpenter may not be suitable for historic buildings. Carter said that the plan would have been that if the painter found a repair was needed, the Town would contact the company that made the repairs last year to do the work, of which \$2,300 of repairs were made last summer. He added that repairs were not part of the scope. Mark Borrin questioned the difference of \$1,100 for the highest paint bidder while they just approved an additional \$750 to change the color of a police cruiser. He felt that historic buildings should be restored properly and \$1,100 difference to contract with an

experienced historical painter is minimal. Discussion continued regarding the scope of the bid requirements and if now the scope is being changed and if this was unfair to the other bidders. Russ Made the Motion to accept the bid from JLT Painting for a total of \$12,600 with a contingency to not exceed \$1,500, and authorize the Town Administrator to sign the contract. Jon Seconded the Motion. The Motion carried.

10. Review for Approval: 2012 Religious Exemption, Missionary Baptist Church: Jon recused himself from the vote. Russ Made the Motion to approve the 2012 Religious Exemption for the Missionary Baptist Church. Ed Seconded the Motion. The Motion carried. Hope asked the Selectmen if they wanted to approve the exemptions as they come in, or as last year in one batch. The Selectmen agreed to approve them as they come in, unless there are questions.
11. Review for Approval: Disposal Agreements (3), Wolcott, Fullerton, Kessler: Betsey Made the Motion to approve the Disposal Agreements for Stephen Kessler or 76 Blake Road, Mark Fullerton of 75 Marvin Road, and Herbert Wolcott of 12 Victory Lane, as described on each agreement. Ed Seconded the Motion. The Motion carried Unanimously.
12. Review for Approval: Deputy Treasurer Appointment, Brenda O'Connor: Joel asked if the present Deputy Treasurer, Noel Cantwell is stepping down and learned in Laura Hilliard's letter that Ms. Cantwell isn't always available as she is retired and does a lot of travelling. Joel felt and the Selectmen agreed that they'd like to hear from the Deputy Treasurer before approving this appointment, and asked that this be tabled.

VII. OLD BUSINESS:

1. Review for Approval: Primex WC and Liability Contribution Assurance Program: Jon asked if Primex has been responsive. Carter replied that overall they have been. He explained that last year the Selectmen decided to put this out to bid. Staff allotted sixty days for the bid process, gathering what was thought was the necessary information. There were no bidders as insurance companies wanted more time and much more information. Carter said that after the Town didn't renew its multi-year contract, Primex then went to the cap program. Betsey Made the Motion to approve the Primex 2012 to 2016 contract for the Property Liability and Workers' Compensation Contribution Assurance Program as outlined. Ed Seconded the Motion. The Motion carried Unanimously.

VIII. OTHER BUSINESS:

1. Legislative Update: Betsey asked to report on the activity at the House next week, as she had a lot of information to digest. She did report that the CACR is alive and well. Ed asked if she knew anything about the driver's education bill. Betsey said that it passed and was sent to the Senate. She encouraged those who are against it to contact Senator Jeb Bradley. The driving force is the cost as it isn't any longer subsidized by the state. Clelia McKay asked about the right to vote bill requiring photo identification. Betsey said that the Senate hasn't voted on it yet. She added that she thought it was coming, and town clerks are concerned about the process and their concern that the public needs enough time to get the required identification in order to not be barred from voting.
2. Board Liaison Reports: Ed reported that the Planning Board met last night and it was a lengthy meeting. They approved Murphy's property garage and the "Richter" property cottage industry, and they continue on working on site plans and regulations. Ed said that

he'll miss site review tours and visiting the properties. The new chair is Tom Howard and Peter Jensen is the vice chair.

3. Administrative Update: Carter said that other than his weekly update he didn't have anything additional to add. Jon asked him about the Recreation Revolving Fund Policy memo. Carter said that he's asked the Selectmen and Donna Kuethe if they have any changes and then he'll create a draft for their review.
4. Recreation Advisory Board Minutes, February 13 & March 5, 2012: Acknowledged.
5. Milfoil Committee Minutes, March 3, 2012: Acknowledged.

IX. CORRESPONDENCE:

1. Time Warner Cable, March 20, 2012: Joel reported that this letter is different than their usual, discussing that they are going to regional offices. Ed commented that he and Mark Borrin have met regarding setting up the Town Hall meeting room to video and to air them on cable TV.

- X. CITIZEN INPUT:** 1) Kathy Garry thanked the Selectmen for accepting their bid recommendation for painting the Historical buildings. 2) Jean Beadle expressed her concern that having the Town Treasurer and Deputy Treasurer both employed by Meredith Village Savings Bank sets up red flags. The Selectmen agreed that this is something they should look at. 3) Nancy Wright asked about the status of hiring the new Police Chief. Joel replied that we are waiting on the background checks. Carter hoped that the new chief would start on May 1st. When asked about the other positions that were open, he replied that again they continue to wait for background checks from the state. 4) Al Hume asked the Selectmen to give their views about opening all bids during their regularly scheduled business meeting. Jon felt that they are now being open publicly and it is a question of timing. While he likes the idea of doing this process during their regularly scheduled meeting, he's not sure and can see the reasoning for doing it during the day. Betsey agreed that opening the bids during the day is open to all who are interested and allows staff to organize the information and present it correctly. Ed said that it didn't make a difference to him, but he's isn't able to attend bid openings during the day. Russ said he understands why the Selectmen made the change to the afternoon, but feels it is their job to do it during their regularly scheduled meetings, and it isn't necessary to scrutinize the bid numbers during the meeting. Joel explained about previous bid experiences and contractors who were upset that their bid wasn't presented correctly and then stating that they would never bid on a Town project again. 5) Paul Punturieri said that the policy requires that the Selectmen open the bids. Carter said that it is up to the Selectmen if they want to spend the 45-60 minutes of business meeting time to open bids. In the current process they are being opened in public, attendance is taken, and anyone can view the bids once they are opened. This is an efficient and transparent process and in most cases the bid tabulations are placed on the web within 24 hours. 6) Mark Borrin said that the school follows the same procedure of opening the bids during the day in the public, as Carter describes, but what needs to happen is that all of the information is viewed by the Selectmen. Joel said and the Selectmen agreed that they will review this process during their upcoming work sessions. 7) Nancy Wright asked if all of the taped meeting videos will be made available on the Town's website. Mark Borrin said that they are looking at what the school can do and the Town can do and felt that all of the meetings would be accessible by the Town's website.

- XI. NON-PUBLIC SESSION:** Betsey Made the Motion for the Selectmen to go into Non-Public Session per 91-A:3 II (a) and only to reconvene for the purposes of adjournment. Ed Seconded

the Motion. A Roll Call was taken: Jon – Aye; Betsey – Aye; Ed – Aye; Russ – Aye, Joel – Aye. The Selectmen went into Non-Public Session at 9:00 p.m.

Betsey made the Motion to seal the minutes and Ed Seconded the Motion. The Motion carried Unanimously. The Board exited Non-Public Session at 9:45 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:** Ed Made the Motion to Adjourn. Betsey Seconded the Motion. Motion Carried Unanimously.
Joel adjourned the meeting at 9:46 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant