

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

Selectmen's Meeting

May 17, 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 May 3, 2012. Russ Seconded the Motion. Ed asked to amend the minutes, under New Business, item #6, to reflect that the Selectmen approved Winsor Homes' request to park a modular home at the Moultonboro Neck Fire Station for the weekends of June 6th and 7th, and July 7th and 8th. Betsey amended her Motion as requested by Ed and Russ Seconded it. The amended Motion carried Unanimously.
- IV. **NEW RESIDENTS:** John S. & Priscilla S. Hird, Richard D. Vogelsong, Joyce E. Farman, Robert S. & Ann M. Kyle.
- V. **CITIZEN INPUT:** 1) Cristina Ashjian, Chair of the Heritage Commission reported that the application for Plan NH Community Charette was approved. She thanked Ed and Jon for their assistance in the interview process. The Community Charette will take place on July 20th and 21st and she said that she will get more information to the Selectmen. The Selectmen congratulated the Heritage Commission.
- VI. **NEW BUSINESS:**
 1. **Review for Approval: Fox Hollow & DOT:** Ed reported that this past Monday, he and Stewart Lamprey, along with the Town Engineer, Ray Korber of KV Partners, met with Senator Lou D'Allesandro and the NH DOT Commissioner regarding the Fox Hollow intersection project. They reviewed the various aspects of the project, why it was taking so long and what could be done to speed up the process. The Commissioner asked Ed if the Town would consider having DOT take over the project. Ed's said that he would bring the question back to the Selectmen. Carter introduced DOT's Fox Hollow Project Manager C.R. Willeke to the Selectmen. Carter said that this project has turned into meeting federal standards. DOT is suggesting that the project be under their control and they want to revisit lower cost incremental improvements, as was suggested in the beginning of the project. Carter added, that if the Town were to approve this, it would mean that the total cost to the Town would be capped at \$250,000 and payable to DOT, which includes expenses incurred with the Town Engineer. Although the Town would lose design control, the project would still need to meet regulations. With a cap of \$250,000, \$200,000 would be from taxation, \$11,500 from the Sabatino exaction and the balance would be from the Highway Block Grant Reserves. Carter said that he and

Highway Agent Scott Kinmond would be on the design review and would be included in any public meetings. Russ asked if DOT will use KV Partner's designs. Mr. Willeke said they will combine them with the earlier design to create a smaller project. Carter added that the Town would turn over all surveys and plans to DOT. Russ asked Mr. Willeke for assurances from DOT that the project would be fast tracked. Mr. Willeke replied that was the goal. He felt that streamlining the process under DOT would eliminate all of the communication steps. Russ again asked and received assurances from Mr. Willeke that the project would be a top priority. Jon asked if the Town is walking away from the \$125,000 already spent. Mr. Willeke replied that DOT will be carrying the bigger scope. Ed explained that the Town looked at many options which were expensive. He said that he is OK with DOT taking over the project and doesn't feel that the money spent was wasted. Ed felt that it was a good learning process for the future. Joel said that through the traffic study, the state wanted the road to be a 55 miles per hour rating, and hoped that the project through DOT doesn't become just a slight fix. Carter said that although the Town's cost possibly might have been less than the \$250,000, he feels the cap is a benefit. Jon said he's not opposed, but hopes the Town benefits from the lessons learned. Joel stated that in the future, any similar project presented at Town Meeting, the Selectmen will be clear that the Town will take land by eminent domain. Ed commented that he and Mr. Lamprey just want the intersection to be safe. Betsey asked Mr. Willeke about the Town giving up design control. He explained that the current design calls for work from the intersection, down Fox Hollow until the pavement ends, which requires a lot of work and time on private property. A smaller solution may result in less work and if the Town feels it is necessary, can do more work on Fox Hollow. Carter added that the Town's right of way remains the Town's. Mr. Lamprey asked Ed and he agreed that it was his understanding that the Commissioner will come to Moultonborough to look at the project. Mr. Lamprey felt sure that the Commissioner will pass down his decision to get the project done. Betsey thanked Ray Korber of KV Partner's for his hard work. Betsey Made the Motion to notify the state that the Selectmen accept their offer and will give up its right to design control, capping the Town's financial responsibility at a cost to not exceed \$250,000 which includes the Town's engineering costs to date, and to release KV Partners from the contractual obligation on this project. Ed Seconded the Motion. Russ asked about the \$250,000 cap and what would happen if the cost came in lower. Carter replied that the cost to the Town would be \$250,000 and is in fact the Town's contribution. The Motion carried Unanimously.

2. Presentation: Update on Playground Drive Soccer Field: Carter asked and the Selectmen agreed to address item #16 to allow Ray Korber to not have to sit through the whole meeting. Carter referred to his memo of May 14th, stated that there is approximately 18,000 square feet of wetlands impact at the Playground Drive soccer field. This estimate was given based on the Town having the proper wetlands permit. However, he has since learned that no permit documentation has been found for the original 1970's work. NH DES will now require a filing of an "After the Fact" permit covering the entire area, 93,000 square feet. DES, using their aerial photos, says they can't document the condition of the land in 1972. The Town has asked to waive the after the fact permit, but they expect to be denied. The Town will go to Conway to review the maps for the initial project square feet of wetlands impact. Carter explained that there are four possible ways of mitigation. The first is restoration which has a 1:1 ratio of the 18,000 square feet. The second is to create 26,813 of wetlands with a 1.5:1 ratio. The third is to preserve 178,750 square feet of wetlands through a conservation easement with a third party (DES will not

accept the Conservation Commission to be the third party). The fourth is a payment to the state's Aquatic Resource Mitigation Fund, which has a variable formula and will cost the Town \$76,400. Carter said that they hope to find evidence with the maps in Conway for a waiver, with 75% design by the end of June and go to DES for the permit. Presently they are budgeted for the 75% design and by the first week in July they will request the additional funds. Jon said that his father recalled that the land was sandy back then. He added he hopes that they can find the photos for the waiver. Russ felt that DES is just trying to get money for their department and felt it was a form of blackmail. Betsey asked Ray what KV Partners' relationship was like with DES. Ray said that over the years the relationship has been OK, adding that there has been a change in approach, and they are less pragmatic about design with filing fees becoming important. Betsey said that as a Legislator, she will try to help in this process to request a waiver to the 1972 project. She suggested that the Carroll County soil survey maps be reviewed and Ray agreed that was a good idea. She added that Renee Pelletier may be able to help. Carter said that he hoped to come back to them by July 5th with DES's response.

3. Review for Approval: Summer 2012 Newsletter: Betsey Made the Motion to approve the 2012 Summer Newsletter. Russ Seconded and the Motion carried Unanimously.
4. Review for Approval: Disposal Agreements (2), Abbott & Brown: Betsey Made the Motion to approve the Disposal Agreement for Arthur Abbott of 503 Sheridan Road and for Edward and Susan Brown of 233 Ossipee Mountain Road, as listed on each agreement. Russ Seconded the Motion. The Motion carried Unanimously.
5. Review for Approval: 2012 Religious Exemption, United Methodist Church: Ed Made the Motion to approve the 2012 Religious Exemption for the Moultonborough United Methodist Church. Betsey Seconded the Motion. The Motion carried Unanimously.
6. Review for Approval: 2012 Religious Exemption, Center Harbor Christian Church: Russ asked if Center Harbor Christian Church continues to exist. The Selectmen agreed that it does. Betsey Made the Motion to approve the 2012 Religious Exemption for the Center Harbor Christian Church. Ed Seconded. The Motion carried Unanimously.
7. Review for Approval: 2012 Charitable Exemption, West Wynde Retirement, Inc.: Betsey made the Motion to approve the 2012 Charitable Exemption for West Wynde Retirement, Inc. Ed Seconded the Motion. Russ abstained from the vote as he is a member of the West Wynde board. The Motion carried.
8. Review for Approval: Temporary Use Permit, 240 Gov. Wentworth Highway: Joel commented that for the past couple of years Buckey's has made this request for Motorcycle Weekend. Betsey Made the Motion to approve the Temporary Use Permit for Buckey's Restaurant, 240 Gov. Wentworth Highway, for June 14, 15, and 16, 2012. Ed Seconded the Motion. The Motion carried Unanimously.
9. Review for Approval: Sick Leave Bank Deposit, Virginia Welch: Betsey made the Motion to accept Virginia Welch's deposit of 40 hours to the Sick Leave Bank. Ed Seconded the Motion carried Unanimously.
10. Review for Approval: DPW's Request, Town Facilities Flooring Projects: Scott Kinmond reported that the flooring project was approved at Town Meeting to spend \$14,000 from the \$25,000 capital item for building upgrades, to replace flooring. At Town Hall, carpet will be replaced in the Office of Development Services, reception area and in the Ernest Davis Meeting Room. The Recreation Department's entrance hallway, restrooms, kitchenette area and activities room will have the vinyl contact tile and carpeting replaced. At Highway Garage, replace the vinyl contact tile in the Administration office, lunch room, hallway and restrooms. Scott explained that they received 3 quotes from local vendors, with the requirement that the vendor dispose of the

materials at the Town's WMF. Jon asked about Color Shed's quote which excluded their disposing of materials. Scott thought that it was an omission or typo, and he will check on this. Based on Betsey's question of how the bids were obtained, a discussion occurred with the Selectmen and Scott about the bidding process. Scott explained that he contacts local vendors and tries to spread out the jobs. He added that using the formal RFP process costs the Town more money. Ed expressed concern that he was overlooking the Town's policy of any project over \$5,000 requires an RFP. Jon said that while he agrees with Ed, he would be comfortable with any of the vendors, and especially the lowest bidder, Color Shed. Scott said that a problem for local vendors is meeting the Town's insurance requirement. He added that he'd like the Selectmen to consider raising the \$5,000 limit as costs on everything have gone up. Betsey made the Motion to waive the bid policy and to award the contract to Color Shed as long as they agree to dispose of the materials to the WMF, to not exceed \$14,000, and authorize the Chair to sign the agreement. Russ Seconded the Motion. Jon abstained. Three ayes and one nay (Ed). The Motion carried.

11. Review for Approval: DPW's Request, 2012 Road Programs – Crack and Chip Sealing: Scott said this is the third year using the crack and chip seal process. He explained that \$10,000 is for crack sealing and \$48,000 is for chip sealing as outlined in the 2012 Road Program. \$36,476.46 is to be withdrawn from the road sealing fund. Scott said with this withdrawal it was his intent to close out the Road Sealing Fund. Crack sealing will be done on Jacobs, Colby, Kona Farm, Hanson Mill, Shaker Jerry (Neck Road to Hanson Mill), Ossipee Park Roads, and Bentley, Lake Shore, Krainewood, Hanson, and Driftwood Drives. Chip sealing using the fiber mat program will be done on Jacobs, Colby and Long Point Roads. Scott explained that All States Asphalt has the proprietary market on chip sealing for NH and MA, and is an approved NH DOT vendor. Bedford Seal Coating was used last year by the Town and is in line with the NH DOT crack sealing specifications. The total of \$58,000 includes contingencies. Russ made the Motion to waive the bidding process, and to approve Bedford Seal Coating at a cost to not exceed \$10,000 and Allstate Asphalt to not exceed \$48,000, authorizing the Chair to sign the contracts, withdrawing \$36,476.46 from the Road Sealing Fund and the balance from the 2012 Road Program fund. Betsey Seconded the Motion. The Motion carried Unanimously.
12. Review for Approval: Acknowledgement of National Public Works Week, May 20 to 26, 2012: Jon read the Selectmen's proclamation, acknowledging that the week of May 20-26, 2012 will be National Public Works Week. Scott thanked the Selectmen, adding that the Police and Fire Departments receive recognition for their service, adding that the Public Works crew are often also on the front line and are at time first responders in emergencies, and do assist the Police and Fire Departments. Betsey thanked all of the Public Works crew, adding that they did a good job on Ossipee Park Road. Joel said that he felt the DPW crew deserved recognition, especially for going to school and achieving the Road Scholar levels. Ed reminded everyone that the crew at the WMF is a part of DPW. Scott agreed, saying that they are the department's ambassadors to the public, as staff who are out on the road often don't have the opportunity to talk with the public. There will be an open house at the Highway Garage on Friday, May 25th starting at 1 p.m. and the public is invited to learn what the DPW does.
13. Review for Approval: CY 2011 GASB-45 Report: Carter asked and the Selectmen agreed to refer this item to their upcoming May 24th work session.
14. Review for Approval: Response Re: MBLU 109-009, Horizon Way Subdivision: Joel reported that the Town Planner and Town Counsel both agree that the Selectmen have no

authority in this matter. Carter asked for and received the authority by consensus to send out the proposed letter as the Selectmen's response.

15. Review for Approval: Edward W. Marudzinski's Resignation from the ABC: Joel said that they accept Mr. Marudzinski's resignation with regret and asked that a letter of thanks be sent. Carter said that a press release is out and they will be publishing within the week, looking for volunteers to sit on the Advisory Budget Committee.
16. Review for Approval: Sick Leave Bank Deposit, Chief David Bengtson: Ed made the Motion to accept Chief David Bengtson's deposit of 40 hours to the Sick Leave Bank. Betsey Seconded. The Motion carried Unanimously.
17. Review for Approval: MPD DHS/FEMA Grant, Radio Equipment: Joel reported that through the DHS/FEMA grant the Police Department will receive funding for nine portable radios. Betsey Made the Motion to accept the grant of \$19,716.14 to purchase the radios and authorize the Chair to sign the grant. Russ Seconded the Motion. The Motion carried Unanimously. Hollis Austin asked what type of radios they were and learned that they are for two way communication.
18. Presentation: Update on Playground Drive Soccer Field: Addressed.

VII. OLD BUSINESS:

1. Castle Preservation Society: Library Pass: Betsey said that at the last Selectmen's meeting there was a request to make the Library pass to the Castle in the Clouds available for Moultonborough residents only. She said that she met with the Library Director, Nancy McCue and heard her concern of the Library's inability to determine residency status. Ms. McCue added that if residency is required then the Library would only want one pass a day, despite the Selectmen's hope to increase the number of passes available. Ms. McCue told Betsey that if the pass were available to their patrons, then they could handle 5 passes a day. While the Selectmen agreed that they'd like tax payers to benefit from the passes to the Castle, they agreed to open it to Library patrons for 5 passes a day.

VIII. OTHER BUSINESS:

1. Legislative Report: Betsey said she'd prefer to report once a month, during the first meeting of the month.
2. Board Liaison Reports: Jon reported that the CIPC met today and submitted a letter to the Selectmen regarding the Lions Club, asking for guidance and the Selectmen's philosophy. The CIPC wants to know what the future use is for the Lions Club and who is responsible for the maintenance being done and long term upkeep. Jon said that they met with the Fire and Police Departments. A question came up regarding the Town's philosophy for replacing equipment and vehicles; asking is it time versus serviceability, or a little bit of both. Joel said that it depends on the product itself and the time it takes to get it, such as a fire truck. Jon said that the department heads want a frame work to go by. Betsey suggested that the Selectmen and the CIPC meet to discuss it. Carter asked why there was confusion, based on the study that was done and agreed upon, it is based on life cycles and reserve funds. Betsey said that she knew the CIPC wanted the Police vehicle statistics. Jon asked if the new proposed software could track these stats. The Selectmen agreed to schedule to meet with the CIPC during the June 21st work session.
3. Administrative Update: Carter reported that other than his weekly update, they are looking at the proposed software and a RFP will be needed.
4. Milfoil Committee Minutes, April 27, 2012: Acknowledged.

IX. CORRESPONDENCE:

1. Joanne K. Coppinger, May 3, 2012, Tree Cutting: Joel reported that Ms. Coppinger's letter expressed her concern that the tree cutting was excessive. He asked if a public hearing will be held. Carter, confirmed this, and will look at it before the work session.
2. Time Warner Cable, Possible Program Changes, May 1, 2012: Joel reported that this was their standard letter of possible program changes.
3. Joel asked and Jon read the names of the 10 top firefighters' who responded to the 931 calls in 2011:

Firefighter Adam Gravelle	423 incidents
Deputy Chief Richard Buckler	408 incidents
Firefighter/EMT Michael Dow	331 incidents
Firefighter/EMT William Burke	312 incidents
Firefighter/EMT Marshall Nye III	268 incidents
Firefighter/EMT John Mensch	250 incidents
Firefighter/EMT Joseph Vosgershian	239 incidents
Deputy Chief Peter Beede Sr.	230 incidents
Lieutenant/EMT-I Barbara Beede	216 incidents
Captain/EMT Raymond Bassett	214 incidents

Joel said that the Town is very fortunate to have such dedicated people as the Town's firefighters.

X. CITIZEN INPUT: 1) Hollis Austin asked for more information about the FEMA grant for the Police Department to purchase radios. Joel said that the purchase must be within FEMA guidelines with their specifications, which will allow the Town's police to communicate with other towns, which is important during emergencies and mutual aid. He added that the need for inter-town and state communication came from 9/11, when it was found departments couldn't communicate. Jon said that the standard statewide frequency is required and lists the products that meet these requirements. Mr. Austin asked if these radios will replace existing, non-compliant equipment. Joel said he wasn't sure that the equipment was non-compliant, but certainly it will replace outdated equipment. Mr. Austin questioned the use of federal funds and wondered if the equipment purchased through the grant would be functional for the Town. The Selectmen agreed that it would be functional. Jon added that the Police were able to find less expensive equipment than the total allowed.

XI. NON-PUBLIC SESSION: Joel stated that a Non-Public meeting wasn't needed. However, they would be holding a non-meeting for labor negotiations.

XII. ADJOURNMENT: Betsey Made the Motion to Adjourn. Jon Seconded the Motion. Motion Carried Unanimously. Joel adjourned the meeting at 9:06 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant