

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

Selectmen's Meeting

May 31, 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 17, 2012. Russ Seconded the Motion. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Timothy A. Rainville, Patrick R. Huston, Betsey E. Davis, Geoffrey Bonnard, Jonathan E. & Jane E. Gilhooly, Ryan K. Thurston, Timothy B. Clark, Karen P. Palm-Halliday, William R. Halliday, Barbara M. Kelly, Britnie L. White, Douglas F. & Constance M. Barnum.
- V. **CITIZEN INPUT:** 1) Paul Punturieri asked the Selectmen if the Town has a no smoking policy on Town property. Joel replied that there is no such policy. Mr. Punturieri said that one morning he dropped off a Library book and noticed Town staff smoking in the front entrance of Town Hall. He felt that this doesn't promote wellness. Joel replied that staff have been asked to smoke outside by the rear entrance and he asked Carter to remind staff. 2) Hollis Austin, referring to last week's meeting, asked for an explanation of what a "non-meeting" is. Joel replied that it was due to union negotiations, which per the RSA does not require that it be posted as it is for collective bargaining. Carter read RSA 91-A:2 I. (b), a "Meeting" shall not include (b) Strategy or negotiations with respect to collective bargaining, adding that minutes aren't required to be taken. Mr. Austin asked and learned that these non-meetings are not open to the public. Mr. Austin asked where they came up with the term of "non-meeting". Russ replied that working with a union is new to the Selectmen, and reminded everyone that the Police Union's contract was approved at Town Meeting. Carter reported that collective bargaining is commonly referred to as a non-meeting, reflecting that the Selectmen are together and something is occurring, but without minutes. Jon added that at his recent training at LGC on the Right to Know law, this is discussed and collective bargaining is private, but not subject to a Non-Public Session. Mr. Austin felt that the term "non-meeting" is misleading and asked the Selectmen to "stay clear of it". Joel said that they would take this under advisement.

**VI. NEW BUSINESS:**1. Ratification of the Payroll/Payables Manifest & Signature File:

<b>DOCUMENT DATE</b>	<b>DOCUMENT</b>	<b>MAP/LOT#</b>
05/17/2012	LEES MILLS LEASE AGREEMENT #1B – WHALEBACK TRUST	N/A
05/17/12	NH ELEC. CO-OP. - #3372 – TOLTEC ROAD	N/A
05/17/12	NH ELEC. CO-OP. - #3445 – EVANS ROAD	N/A
05/24/12	LEES MILLS LEASE AGREEMENT #1A - LOAN	N/A
05/30/12	CERTIFICATION OF YIELD TAXES ASSESSED – ABBOTT FAMILY TRUST	004-001
5/30/12	CERTIFICATION OF YIELD TAXES ASSESSED – OAK LANDING WEST ASSOC.	245-007, 8, 10 & 256-004
5/30/12	DEPT. OF SAFETY – REQUEST FOR OVERTIME/BACKFILL REIMBURSEMENT – MFD	N/A
05/31/12	SHANNON CEMETERY #220 - TINKHAM	N/A
05/31/12	LUCT – RIZZO FAMILY TRUST	014-010
05/31/12	ABATEMENT DENIAL – GREENBAUM	107-063
05/31/12	VETERANS' TAX CREDIT 2013 APPROVAL - KOSS	263-041
05/31/12	PAYROLL - \$93,695.87	N/A

Joel reported that the total payroll paid out for this pay period was \$93,695.87. Joel read the signature file list (as it appears). Carter explained that this list will appear in the Selectmen's minutes and he will have a memo to them on how other towns handle their signature file. Russ Made the Motion to ratify the Signature File as listed. Jon Seconded the Motion. The Motion carried Unanimously.

2. Review for Approval: Victory Lane Road Acceptance: Highway Agent, Scott Kinmond referring to his memo to the Selectmen, said that he has reviewed the plat for the Victory Lane subdivision which was recorded at Carroll County Registry of Deeds, along with deeds and the drainage easements are referenced. In addition, he reviewed the former Town Planner's memo of February 3, 2011, along with correspondence from LGC. He felt that the plat accurately matches what was constructed. Article #20 of the 2011 Town Meeting was approved by the voters to accept Victory Lane with the stipulation that the Town receives a recorded plot plan and deed, which shows the road, right of ways and easements for slopes and drainage. Joel stated that a couple of years ago he instituted this practice, that prior to accepting a private road, that the Town receives the plat which shows everything that is under the road, drainage, easements, etc., otherwise the Town gets involved in poorly planned roads and subsequently a mess as they have found on some of the old roads. Scott said that the plat and two deeds will be recorded with the Town Clerk's office and will also be kept at the DPW's Highway file. All drainage easements DPW receives are now being recorded with the Town Clerk and will be archived per map and lot. Ed Made the Motion to accept the report of the Highway Agent dated May 16, 2012 and confirm the acceptance of Victory Lane Road as a Class V road and a public way, per the approved Article 20 of the 2011 Town Meeting. Betsey Seconded. The Motion carried Unanimously.

3. Review for Approval: 2012 Educational Exemption & PILOT, Camp Tecumseh: Betsey Made the Motion to approve the 2012 Educational Exemption and PILOT for Camp Tecumseh. Ed Seconded. Russ abstained. The Motion carried.
4. Review for Approval: Temporary Use Permit, Loon Center, MBLU 091-003: Betsey made the Motion to approve the Temporary Use Permit for the Loon Center's Yakathon event on July 13, 2012, using the Lee's Mill docks and also at the Loon Center. Russ Seconded. The Motion carried Unanimously.
5. Review for Approval: Disposal Agreements (2), Gulla & Dawson: Betsey Made the Motion to approve the Disposal Agreement for Sharon and Chuck Gulla of 30 Fox Hollow Road, as indicated, and for Tom and Jill Dawson of 25 Sachem Drive, as indicated, and authorizing the Chair to sign both agreements. Ed Seconded. The Motion carried Unanimously.
6. Review for Approval: DPW's Request to Return School House Hill Road to Gravel: Betsey commented that she felt that Scott Kinmond's recommendation was a good idea. Scott told the Selectmen that based on the very limited traffic pattern which is due to the cemetery, he is requesting that the road, which had been a state highway, now owned by the Town, to return it to a gravel road. The present condition of the pavement has deteriorated significantly due to winter damage and is in need of reconstruction and paving. To return it to a gravel road, Highway will fracture and utilize the asphalt pavement as a sub base for the adjacent parking area for the cemetery, as this area needs to be built up. They will also improve the turnaround area. The road will be ditched graveled and fine graded. Betsey Made the Motion to authorize the Highway Agent to return School House Hill Road to gravel. Ed Seconded the Motion. The Motion carried Unanimously.

**VII. OLD BUSINESS:** None.

**VIII. OTHER BUSINESS:**

1. Board Liaison Reports: Betsey reported that she feels confident that there will be a constitutional amendment for targeted school aid on the ballot in November. There appears to be enough votes to pass in the House, the Governor and Senate is also in favor.
2. Administrative Update: Carter said that other than his weekly report, he has nothing else to add.
3. Planning Board Minutes, May 23, 2012: Acknowledged.
4. Russ asked Carter where the parameters came from regarding the request for bids for the software procurement services to assist in purchasing the software package. Carter replied that staff was asked what the needs were and then the parameters were compiled. He added that he hopes to find an IT consultant to assist with the RFP and view the bids. Hollis Austin asked if the Selectmen had considered working with the schools' IT staff on this. Joel replied that while the schools' IT people are very knowledgeable, he didn't feel that the needs were the same. Carter agreed, saying that he couldn't see the overlap, but will check. Russ said he was concerned that whoever assists the Town with this needs to be knowledgeable in tax collection and the other departments' needs. Betsey agreed, adding that Planning could also utilize this software program. Mr. Austin said his concern was that the Town will get sold something that it doesn't need and not utilizing paid Town employees. Carter informed him that there are specific state regulations through Department of Revenue that must be met and not all states have the same requirements. These are very specific. Mr. Austin asked if the state has standardized

software for all towns to use. Betsy commented that the state's computer technology is behind in the times. Russ agreed, and based on the Town Clerk's experience with using the state's software from the DMV, which focused on the needs of the state's 9 large cities, this doesn't meet the needs of smaller town's which provide unique services. It doesn't work correctly and Barbara has needed to devise a 'work-around' to be able to work with it, creating much more work and hours to get the job done.

## IX. CORRESPONDENCE:

1. Time Warner Cable, Possible Program Changes, May 1, 2012: Joel reported that this is their usual notification of possible program changes.
2. Eric Taussig, Ossipee Park Road, May 17, 2012: Eric Taussig spoke to his letter regarding his concern over the recent tractor trailer truck accident on Ossipee Park Road, which ran into Route 171 and almost hit the house across the street. He feels this is a safety issue and it isn't the first accident that has occurred. Mr. Taussig added that CG Roxane has stated that they are not responsible for the independent truckers. He told the Selectmen that the Town needs to put in a runaway truck ramp on Ossipee Park Road and the Department of Safety needs to inspect the tractor trailer trucks. Mr. Taussig thought that this wouldn't be an expensive project. Joel felt that with the truck traffic, that realistically only one runaway ramp wouldn't be enough. Mr. Taussig replied that if the trucks went off into the woods, this would be better than onto Route 171. Ed felt that when CG Roxane had requested to build a warehouse at the bottom of the hill, that this would have alleviated this problem. Those who were opposed to this request should have considered the safety issue. Cristina Ashjian said that the intent of the warehouse was to stack trucks waiting to go up, and during icy days the warehouse could be used to distribute the water. Ed disagreed, saying that it was proposed for the warehouse to be able to store three days of water. Mr. Taussig asked the Selectmen to review the situation and acknowledged that the funds to construct the runaway ramps would come from the Town. Discussion occurred about safety inspections of the trucks and whose responsibility it was. Joel concluded that it is not the Town's or the Police Department's responsibility, but the Department of Transportation.
3. Eric Taussig, Rock Pile Real Estate's ROW, May 25, 2012: Mr. Taussig stated that he represents an abutter to this property, Mr. Johnson, regarding the special exception. He again expressed his concern over the assessed value and the comps used, and the lack of knowledge of the special exception that had existed on the property from 1993. He restated his concern that the Town by-passed the RSA. He asked the Selectmen to review the process and why it was assessed without the full information. Joel replied that he personally felt that the property belonged to them and the Town had a right of way to go over it. He felt that the Town "shafted" them by requiring that they purchase what they already owned. The Town wasn't using the right of way. Russ said that the road is not commercially zoned, and the special exception was not in perpetuity. The Town didn't own the land but the right of way, and the Assessor valued the use of the land. Mr. Taussig said he was concerned that the information given to the voters at Town Meeting was in error. He asked if the Selectmen recalled that a former owner had requested buying the Town's right of way and was denied. Carter agreed that this occurred, but each Board (Selectmen) makes their decisions and the prior action doesn't bind a future Board of Selectmen from making a different decision. Jon said that the Town shouldn't have sold the right of way, which had been abandoned by the Town according to the RSA. Joel said that the right of way was offered for sale prior to knowing that the right

of way had been abandoned. Carter stated that the right of way was abandoned, the sale occurred, the deed has been recorded and it is a settled matter.

- X. CITIZEN INPUT:** 1) Bob Goffredo commented that based on the Highway Agent's information given at the Selectmen's meeting about the need to cut back over hanging trees on roads, the Balmoral Association is working on doing this to allow the Town to plow and to preserve the condition of the roads. Ed agreed that Skyline Association has been talking to Scott to improve their private roads and to work towards complying with the road regulations. 2) Steve Maguire thought it was a good idea to again send letters to private road associations to inform them. Scott and the Selectmen thanked Mr. Goffredo for his comments, adding that not all associations are open to the Highway Agent's recommendations. 3) Nancy Wright asked Ed if he had an update on the Town videoing the meetings. Ed replied that he and Mark Borrin are working on it and thought that they would have a plan for review in August.
- XI. NON-PUBLIC SESSION:** None needed.
- XII. ADJOURNMENT:** Betsey Made the Motion to Adjourn. Ed Seconded the Motion. Motion Carried Unanimously.  
Joel adjourned the meeting at 8:09 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Administrative Assistant