

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

Selectmen's Meeting

August 16, 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:** Ed Made the Motion to approve the Selectmen's Minutes of July 26, 2012, August 2, 2012 and August 9, 2012 Minutes. Russ Seconded the Motion.
- IV. **NEW RESIDENTS:** Kelly & Lucy Kelly, Jonathan D. II & Etta L. Hackler, Steven M. Joyce, Michelle A. Frahm, Albert L. & Judith I. Christensen, Steven R. Braff, Douglas P. Bolinder, Joyce E. Farman, Richard D. Vogelsson, Erwin C. & Inger M. Young, Tammy L. Litcofsky, Brenda J. McGuff, Matthew J. Erdel, Derek H. Frite, Mason S. Reasner.
- V. **CITIZEN INPUT:** 1) Nat King asked the Selectmen to take action on the hazardous conditions that exist on Ossipee Park Road, now resulting in three accidents. He thought that these issues should have been resolved at the initial Planning Board site review. Mr. King said that he was speaking as a resident and not as a Planning Board member. He felt that the owner of the water bottling plant, CG Roxane is resistant to taking any kind of responsibility, as they have stated that the trucks are not their problem. Mr. King felt that it was now the Selectmen's responsibility to take action to ensure the safety of residents and tourists that travel on Route 171. 2) Glenn Cordelli introduced himself to the Selectmen as a candidate for State Representative for District 4. He is a resident of Tuftonboro. If elected, Mr. Cordelli plans on periodically meeting with the Selectmen to gather and share information. 3) Robert Thurston told the Selectmen that he just missed being involved in the recent accident off of Ossipee Park Road, as he was travelling Route 171. He felt that the situation now is a case of "Russian Roulette". He speculated that the truck involved was overloaded. Mr. Thurston asked the Selectmen to have DOT check the trucks before going up Ossipee Park Road and after they come down using their scales to see if they are overloaded. Jon reported that he received a phone call right after the accident from Police Chief Wetherbee who was on the scene at the time. Jon then went to Ossipee Park Road and drove up to CG Roxane and agreed that it is a dangerous situation. He added that the Highway Agent called a Highway Safety Committee meeting to discuss the problem and recent accidents. The Town Planner talked to the CG Roxane plant manager and thought his tone was positive towards working together. Mr. Thurston added that Route 171 has become a truck terminal. The surrounding roads are breaking down due to lost trucks being on the wrong roads and having to turn around. Ed said that he was on the Planning Board with Nat King when the plant expansion was discussed. The site plan approval was based on CG Roxane periodically reporting the number of trucks on the road. This hasn't been done and the Town hasn't followed up. Russ said it was a site plan compliance issue. Based on his

experience of coming down Ossipee Park Road and following a truck that had to continuously brake, he agreed it was a problem. 4) Peter Jensen said that he was an Alternate with the Planning Board on the site plan walk for the lower warehouse. He witnessed a truck become involved in an accident. Russ thought that increased signage will help to improve the problem. He added that just this week there was an incident on his road with a lost truck that ended up in a ditch and then ran out of gas. He questioned the trucker's ability due to his running out of fuel. Joel agreed that the truck drivers need to be better informed. 5) Cristina Ashjian said that it was a Planning Board and compliance issue. In her letter of January 2012, she stated that CG Roxane was out of compliance and asked what had been done. Based on Jon asking to explain the issue, Ms. Ashjian replied that CG Roxane was supposed to report the number of trucks on Ossipee Park Road. 6) Based on Jon stating that the Town Planner disagreed, Mr. King said that the Planner has since learned that it was a condition of the site plan approval. He asked the Selectmen to act to resolve the safety issue. He agreed that increased enforcement will help towards improving the safety, but felt that the actual road needs to be addressed. Joel said that as there isn't anyone from the Highway Safety Committee, he asked Carter to report on the meeting. Carter said that he has asked Chief Wetherbee to compile the accident history on and around Ossipee Park Road. Highway Agent Kinmond called the Highway Safety Committee to meet which included the Town Planner Bruce Woodruff, Fire Chief Dave Bengtson and Police Chief Leonard Wetherbee. They met and outlined short term and long term remedies which included changing the name of Ossipee Park Road, increased signage, working with CG Roxane, and informing the truckers. The Town Planner has requested from CG Roxane that they submit the required data within ten days or a hearing for site plan compliance will result. Carter suggested and the Selectmen agreed to request that a member(s) of the Highway Safety Committee meet with them at their next Work Session of August 23rd. 7) Mr. Thurston asked and learned from Joel that Ossipee Park Road was designed to handle the sizes and weights of the trucks and CG Roxane paid 2/3 of the cost to reconstruct the road. Joel felt that changing the name of the road, as there are too many Ossipee roads, and asking DOT/DOS to come in to step up enforcement would help. He added that they've spent a lot of time here already. Betsey suggested that they send a letter to the Chair of the State's Public Works and Department of Safety about the problem. Carter agreed, but encouraged the Selectmen to wait to hear from the Highway Safety Committee and look to Chief Wetherbee about what the Town can do. He added that he will draft a letter to the state for the Chair to sign. 8) Ms. Ashjian felt that changing the name of the road was absurd, as this has been an ongoing issue. She asked what will happen between now and then, when the Town finally takes action. If another accident occurs what is the Town's liability? Russ asked Ms. Ashjian if she proposes that the Town shut down CG Roxane. She replied that she did not, but added signage is needed and the Town needs to regulate the truck traffic on the road. 9) Mr. King commented that the original owner of the bottling plant had control of the truckers, but this isn't the case with CG Roxane. The truckers are independent contractors and CG Roxane claims they aren't responsible for their actions. Mr. King felt this was wrong. 10) James Labbe suggested that once the Town gets the reports of the number of trucks on the road and when the traffic is highest to let the state know the best days to step up enforcement. 11) Al Hume suggested asking the state to increase state trooper patrols as they have portable scales. 12) Dawn Thurston said she walks daily and truckers often stop and ask her where Ossipee Park Road is located and then they have to turn around on Severance Road. The truckers don't know where the road is located. 13) Mr. Thurston said that he doubts the numbers from CG Roxane will be accurate. Betsey said that she learned that the trucker involved in the most recent accident was in violation of the law, which is out of the Town's control. She agrees that the situation needs to be looked at and reviewed. She thanked the

Planning Board and Planner for their efforts in this area. 14) Scott Vittum said that the violation was that the driver was unlicensed.

VI. NEW BUSINESS:

1. Review for Approval: Payables Manifest & Signature File:

DOCUMENT DATE	DOCUMENT	MAP/LOT#
8/16/12	Payables Manifest & Signature File, \$684,675.48	N/A

Joel read the Payroll/Payables Manifest and Signature File as listed above. Russ Made the Motion to approve the Payroll/Payables Manifest & Signature File for August 16, 2012. Ed Seconded. The Motion carried Unanimously.

2. Review for Approval: Roads Scholar One, Wallace Daigneau & Dennis Shaw: Joel reported that Andy and Dennis have achieved the Roads Scholar One level. He added he is very impressed with the training and education the DPW staff are receiving. The Selectmen congratulated both employees for this achievement.
3. Review for Approval: Sandwich Fair Association’s Request for Signs: Joel reported that this is their annual request for temporary signs for three intersections in Town. Betsey made the Motion to approve the three temporary signs as listed. Ed Seconded. The Motion carried Unanimously.
4. Review for Approval: DRA’s 2013 Education Tax Warrant: Joel reported that the Town’s Education Tax for 2013 is \$7,112,655. Russ commented that the Town’s equalized value is \$2,921,008,198, which is the 7th highest in the state. Betsey said she was glad that this money will stay in Town.
5. Review for Approval: Former Landfill Registration: Joel asked Carter to explain his recommendation to do no further work. Jon said that he acknowledges that a lot of material has been removed and the job was well done, but there are still items at the river’s edge. Russ added that the Highway Department took as much as they could without disturbing it further. Jon said he was uneasy about walking away from what could be a problem in the future. Carter reminded the Selectmen that Highway took as much as they could in that one day. He said if the Town drills wells, and then depending on the results, they may then have to take soil samples, and then, based on the results enter into an Activity Use Report or take remediation measures. It is unknown what is still there. Once the Town starts the drilling, there’s no stopping what might happen next. Russ felt that they would need to request funding at Town Meeting to cover the estimated cost of \$15,000 to drill wells. Joel agreed with Jon, but asked if they should clean up more, or tell the state the job is done. He added that there is no direct evidence of contamination. Jon asked if the Town wants to walk away from it or to know for sure. Russ agreed, but the state says to not disturb it further. Betsey commented that the rules and regulations before 1981 for closing a dump were much less stringent than today. What the Town did back then was legal. Betsey felt that if wells are drilled they will find contamination. She asked if the Town should first develop a plan and bring it to the voters at Town Meeting or does the Town say the problem is resolved and leave it alone. Joel said he also feels uneasy about walking away from it as the river runs to the lake and wants to look at it based on an engineering study and then bring it to Town Meeting. Ed agreed that they must consider the river’s proximity to the lake. Russ felt that if the Town goes the next step and drills, then it will need to go all the way and this will be

expensive. Carter said that the down gradient wells have had no evidence of contamination. If the wells are drilled and nothing found, then the Town is done. If contamination is found, then soil sampling will occur or an Activity Use Restriction will be in place which means people must stay away from the area. There is a possibility that the soil samples will trigger a remediation requirement. The estimate of \$15,000 comes from the state and is also the Town Engineer's estimate which includes materials for the wells, engineering, monitoring and removal. Russ cautioned that if they go the next step they will have to go all the way. Betsey said if contamination is found the state will require that the work be done. Joel felt that the \$15,000 estimated was low. Carter offered to get a formal estimate from the Town's Engineer. He added that this is an old burn dump, which is different from the landfills of today. The Selectmen agreed that they want more information before deciding. Carter asked, and the Selectmen agreed, that they want an engineering scope of the work within 30 days prior to the upcoming budget work. Joel asked that this be tabled and placed on Old Business for the next Agenda.

6. Review for Approval: Primex Member Ballot for Election of Trustee: The Selectmen agreed to vote for Steven Bartlett for the Primex Board of Trustees. Betsey so moved and authorized the Chair to sign the ballot. Ed Seconded the Motion. The Motion carried Unanimously.
7. Review for Approval: Volunteer Appreciation Luncheon: Based on Camp Robindel's availability, the Selectmen agreed to hold the Volunteer Appreciation Luncheon on September 22nd at noon. Carter asked and the Selectmen agreed to have the same menu as last year. The Selectmen thanked the owner, Mr. Greenfield for allowing the Town to hold the function once again at Camp Robindel.
8. Review for Approval: Disposal Agreement, Leveque: Betsey Made the Motion to approve the Disposal Agreement for Frank Levesque of 550 Whittier Highway as listed and authorize the Chair to sign the agreement. Russ Seconded. The Motion carried Unanimously.
9. Review for Approval: Public Hearing Date, August 30, 2012 – Amend Personnel Policies, Classification of Employees & Absent Leave Policy: Carter announced that the Public Hearing will be held on August 30th during the Selectmen's Meeting at 7 p.m.
10. Review for Approval: Cottage Road, MBLU 180-052: Carter reported that this property had been on the tax deed list in error. It has since been surveyed and learned that there are two parcels, one of which is in the Town's right of way. Based on the survey, Town Council recommends to place an asterisk on the property record card indicating that the lot is to be kept for roadway (lot 1) and municipal purposes (lot 2). Carter added that the survey needs to be recorded at the registry. Russ Made a Motion to identify the lot with an asterisk on the property record card for these parcels to be kept for roadway (lot1) and municipal purposes (lot 2), to record the survey, and to acknowledge Cottage Road is a Town road from the intersection of Shaker Jerry Road and Wyman Trail easterly a distance of 1000 feet. Betsey Seconded the Motion. The Motion carried Unanimously.
11. Review for Approval: Cable/Web Broadcasts: Joel reported that Carter has summarized the outcome in his memo of the meetings with Ed and School Board Chair, Mark Borrin. Ed added that they needed to set the parameters and want to keep it simple. They looked at Wolfeboro's model. Getting a volunteer to do this may be difficult, so they may have to contract with someone to actually video the meetings. Ed Made the Motion to accept Carter's memo as the parameters. Betsey Seconded the Motion. Carter said that he was looking at reporting back within 90 days. The Motion carried Unanimously.

12. Review for Approval: Appointment LRPC TAC, Bruce Woodruff: Ed Made the Motion to appoint Town Planner Bruce Woodruff to the Lakes Region Planning Commission Transportation Advisory Committee for a two year term. Betsey Seconded the Motion. The Motion carried Unanimously.
13. Review for Approval: Milfoil Committee, Request to Expend: Peter Jensen, Committee Chair told the Selectmen that there is a \$46,820 balance in the Milfoil Trust Fund. He asked to spend no more than \$30,000 for DASH work as they found much more milfoil in several areas than estimated when preparing the 2012 plan. He felt this increase was due to the warm winter conditions. Betsey Made the Motion to approve expending no more than \$30,000 from the Milfoil Trust Fund for DASH work. Ed Seconded the Motion. The Motion carried Unanimously.

VII. OLD BUSINESS:

1. Joel reported that earlier this month the Tax Collector presented a tax payment plan for a taxpayer who was in arrears. The payment plan as typed gave an incorrect payment and it should have been \$200 per month. Russ Made the Motion to authorize the Chair to sign the revised \$200 per month payment plan. Betsey Seconded. The Motion carried Unanimously.
2. Carter reported on the tax deeded property that required eviction of a seasonal owner, the court ordered that the personal property remaining on the lot as of July 1st belonged to the Town. There is now a lawsuit pending with an estimate by Town Counsel of 18 to 20 months for resolution. The former seasonal owner is asking to pay \$10,000 to be allowed to stay until the lawsuit is over. Russ asked and learned that the interest would still accrue during this time. Carter added that the lawsuit is over the penalty charged for the property owner to redeem the property. When asked by the Selectmen, Carter said that \$900/month is a low rent for Suissevale property and with the \$10,000 payment this would be much less than market rent. He added that this goes against the Board's decision to not get involved with rentals of seasonal occupants. He added that the former owner has not acted in good faith. Joel felt that the lawsuit could take longer than estimated. Betsey Made the Motion to contact the owner and give another 15 days to remove personal items from the property, with a Town witness at their cost, and to deny his request. Russ Seconded. The Motion carried Unanimously.

VIII. OTHER BUSINESS:

1. Board Liaison Reports: Jon reported that the CIPC held the first Public Hearing on Monday and the second on Wednesday with a small attendance for both meetings.
2. Administrative Update: Other than his weekly report, Carter had nothing else to add.
3. Planning Board Minutes, August 8, 2012: Acknowledged.
4. Milfoil Committee Minutes, August 1, 2012: Acknowledged.

IX. CORRESPONDENCE:

1. Time Warner Cable, August 1, 2012, Programming Changes: Joel reported that this is their customary letter of possible program changes.
2. Cristina Ashjian, August 10, 2012, Ossipee Park Road: Ms. Ashjian spoke to her letter and said that she was pleased that the Highway Safety Committee has met to work on the problem. Russ and Joel agreed that they acted quickly.

- X. CITIZEN INPUT:** 1) Hollis Austin asked why there was no cancellation posted for the Hazardous Mitigation Plan meeting. Joel said that he was aware that there had been a problem with the cancellation. Mr. Austin then said that there was confusion as to where the meeting was to be held for the Definition of Campaigning for Town Facilities. Carter responded that there was no confusion, as the meeting place was re-posted as soon as a conflict was identified and the meeting was moved to the Library. He added that it is up to the Committee chair to request a meeting be posted or re-posted on the web. Russ acknowledged that the change in the meeting place for the Definition of Campaigning was posted in plenty of time. 2) Al Hume asked and learned that the Town's website is considered one of the legal places to post meetings.
- XI. NON-PUBLIC SESSION:** Betsey Made the Motion for the Selectmen to go into Non-Public Session per RSA 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, Russ – Aye, Ed – Aye and Joel – Aye. The Selectmen went into Non-Public Session at 8:35 p.m.

The Board exited Non-Public Session at 8:44 p.m. having voted by a vote of 2/3's or greater of the members present to seal 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. Russ Seconded the Motion. Motion Carried Unanimously.
Joel adjourned the meeting at 8:36 p.m.

Approved

Date:
Respectfully Submitted
Hope K. Kokas, Administrative Assistant