

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

Selectmen's Meeting

February 21, 2013

**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:** Russ Made the Motion to approve the Selectmen's Minutes of February 7, 2013 and February 14, 2013. Ed Seconded the Motion. Jon asked to amend the minutes of February 7, 2013, Article 8, page 3, as he intended to say, that people should ignore the note for *the purposes of understanding the warrant article*, and vote to authorize the Selectmen to place the pay at Grade XVI and let the Selectmen set the step. The Motion carried as amended.

**IV. NEW RESIDENTS:** Russell G. & Sharon L. Jones, Renee L. MacDonald, John T. & Elizabeth C. Vinton, Amanda Nickerson.

**V. CITIZEN INPUT:** 1) Dick Plaisted asked the Selectmen if the Fire Auxiliary could again collect donations at the Transfer Station the weekends of July 4<sup>th</sup> and Labor Day weekend. He added that they will stand outside of the gate as they did last year. Betsey Made the Motion to approve the Fire Auxiliary's request to collect donations at the Transfer Station the weekends of July 4<sup>th</sup> and Labor Day. Jon Seconded. Mr. Plaisted said that they are making the same request to the Town Moderator for the upcoming elections. The Motion carried Unanimously. 2) Joel apologized for the confusion over the time of last week's Payable Manifest Signature File meeting last week, February 14<sup>th</sup>. The Agenda stated it was scheduled for 4:00 p.m., but the web calendar showed 7:00 p.m. Joel said it was the Selectmen's intent and they did meet at 4:00 p.m. 3) Hollis Austin asked which Agenda posting takes precedent and learned that whatever the actual Agenda states sets the precedent. The Agenda was posted on the Town Hall bulletin board, at the Post Office and also on the Selectmen's website as being scheduled for 4:00 p.m. Joel added that he will add another item under New Business to address this. Mr. Austin, referring to the meeting of February 7<sup>th</sup> and his inquiry about the budget that was posted on the Town's website, said that he went to the web and found it was too difficult to find. Carter replied that the draft budget was listed in News & Announcements, went out as an email blaster, and also posted under the Town Administrator's page. He added that before Town Meeting, a separate page will be created, and will be listed again under News & Announcements, and also the Town Administrator's page. Mr. Austin felt that it was buried too deep as he had to click 3 levels, and suggested placing it under Press Releases.

**VI. NEW BUSINESS:**

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

<b>DOCUMENT DATE</b>	<b>DOCUMENT</b>	<b>MAP/LOT#</b>
2/21/13	Personnel Matter	N/A
2/21/13	Intent to Cut	134-003 & 116-005
2/21/13	Payroll Manifest & Signature File, 2/21/13 \$93,478.68	N/A

Joel read the Payables Manifest and Signature File as listed above. Russ Made the Motion to approve the Payroll/Payables Manifest & Signature File for February 21, 2013. Ed Seconded. The Motion carried Unanimously.

2. Review for Approval: Amending 457(b) Plan: Carter reported that an employee requested to borrow funds from their tax deferred retirement account, which has not been the Town's policy. After talking with the Town's Valic representative, Carter learned that this is allowable with a plan change. Valic manages the loan and if needed will report it to the federal government and submit a 1099. One can borrow up to 5 years, or 10 years to buy a primary residence. Carter added that there are a number of areas where the Town's plan doesn't line up with general practices, as listed in his memo of January 29<sup>th</sup>. Jon and Russ agreed that this shouldn't be a problem, as long as the Town isn't responsible for the loan or needs to report to the federal government, as it all goes through Valic. Betsey Made the Motion to amend the Adoption Agreement Section 457(b) Deferred Compensation Plan as listed in Carter's memo dated January 29<sup>th</sup> and authorize the Chair to sign the agreement. Ed Seconded and the Motion carried Unanimously.
3. Review for Approval: Camp Tecumseh Cemetery, Fred Clark's Letter: Joel asked Carter to report what was learned regarding the cemetery located on Camp Tecumseh's land. Through a research done by Town Counsel they learned that the cemetery was not listed in the deed when the Town sold the land in 1898. There is a sign which was placed on the cemetery as it being the Town's Poor Farm Cemetery, but there is no documentation of this and is anecdotal only. Presently a right of way to the cemetery doesn't exist. Carter said that he and Scott Kinmond and Town Counsel agreed that there were two ways to handle this. If the Selectmen want to maintain the cemetery then the land of the cemetery and a buffer around needs to be deeded to the Town. Or, a maintenance agreement with Camp Tecumseh which would spell out rights of access and the term, allowing the Town to access the cemetery and to maintain it. DPW Director Scott Kinmond said that the land had been the Town's and people who lived there were buried there, but there are no headstones, just rocks. He added that Peter Wright, head of the seasonal cemetery crew, hasn't gone to this cemetery as he thought the camp maintained it. Russ recalled as a kid when he worked for the Town on the cemetery crew, that they never went to this cemetery. He thought that Dave Thompson might know something about it. Russ said that according to Ernest Davis, it had always been the Town's Poor Farm. Ed said that in the past the poor and disabled were often buried and forgotten. He felt it needed to be properly maintained. Carter said that at the very least the Town would need to obtain a maintenance agreement, but he recommended that in order to spend Town funds on it, it should be deeded to the Town. Russ asked about the RSA to access cemeteries on private land. Betsey said that this was studied in the Legislature and in

fact the Town can't access it unless given permission. Jon said he was OK with getting a maintenance agreement. Joel agreed, adding that it would need to include having access in the future in case the property should change hands. Carter reminded the Selectmen that there is no proof that it is the Town's cemetery, and this is only anecdotal. Scott said that Mr. Clark's concern was that the cemetery was not referenced. In order to do this the land needs to be deeded to the Town with the metes and bounds. He added that Camp Tecumseh seems willing to help out. Carter asked the Selectmen to give authority to DPW Director Scott Kinmond and Town Counsel to request fee ownership of the cemetery with a right of way across Camp Tecumseh's land to access it. Betsey so Moved and Ed Seconded the Motion. The Motion carried Unanimously.

4. Review for Approval: Conservation Commission Member & Alternate Appointments: Joel reported that in Chair Marie Samaha's letter; they are requesting that the Selectmen re-appoint Robert Patenaude and William Gassman as members, and John Oliver and Edward Harrington as alternates, with their terms to run from April 1, 2013 to March 31, 2016. Betsey Made the Motion to appoint Robert Patenaude and William Gassman as members, and John Oliver and Edward Harrington as alternates, with terms ending March 31, 2016. Jon Seconded the Motion. The Motion carried Unanimously.
5. Review for Approval: 2013 Chemical Treatment Milfoil Programs (2): Peter Jensen, Chair of the Milfoil Committee told the Selectmen that they have already approved the DES grants for Lee's Pond and Lake Winnepesaukee (in Moultonborough) for chemical treatment as approved by the state. Betsey made the Motion to approve the 2013 Milfoil chemical treatment agreement with Aquatic Control Technology, Inc. to treat Lee's Pond and areas in located on Lake Winnepesaukee in Moultonborough. Jon Seconded and the Motion carried Unanimously.
6. Review for Approval: Signage Report – Ossipee Park Road: Carter reported that the Highway Safety Committee has reviewed the report. For the Roadway Markings & Signage, with a cost estimate of \$15,000, they agreed that they should request that CG Roxane (CGR) pay a percentage. As Ossipee Park Road (OPR) is a Town road, designed and constructed by the Town, along with the existing signs, it is the Town's responsibility. Russ asked and learned that if CGR agrees, all the funds will go through the Town. Carter said that the Safety Committee suggests requesting that CGR pay 25% of the signage costs. CGR has agreed to pay \$8,000 for the proposed escape ramp study. The cost estimate for the changes to the intersection of Route 171 and OPR is \$25,000 for design and construction. These costs will be driven by state requirements. The committee felt it was the Town's responsibility to bear these costs and recommend that it be added to the 2014 Road Program. Carter added that he has suggested to the Castle Preservation Society (CPS) that their yearly gift be unrestricted and should go towards this cost. Scott told the Selectmen that when the road was designed, the engineer didn't take into account the needed radius for trucks to turn. Paul Punturieri asked and received confirmation by Joel that the road was not designed properly for the trucks going into CGR. Mr. Punturieri asked if CGR had any input in the design of the road. Joel replied that his recollection was that the design was presented to CGR and the Town sought their contribution, which they agreed with. Jon thought that the Town should request that CGR contribute again. Carter disagreed, as CGR went with the design presented, contributed and cooperated. Betsey Made the Motion to approve the Roadway Markings & Signage program and request from CG Roxane that they contribute 25% of the cost. Russ Seconded and the Motion carried Unanimously. Carter suggested that the Town go ahead and pay the \$8,000 from the budget for the Roadway Markings and Signage, and then accept CGR's \$8,000 contribution towards the general fund, eliminating the need for

a public hearing. Otherwise, a public hearing will have to be scheduled to accept the \$8,000 for the specified reason. The Selectmen agreed that they needed a public hearing to accept CGR's contribution of \$8,000 and asked Carter to schedule it. Jon Made the Motion to approve the Changes to Ossipee Park Road and Route 171 Intersection as part of the 2014 Road Program. Betsey Seconded the Motion. Joel requested that DOT be contacted to learn of their willingness to participate. The Selectmen asked Carter to request from CGR and CPS to contribute towards the changes for the intersection of OPR and Route 171. Carter referred to the Memo from Town Planner Bruce Woodruff and DPW Director Scott Kinmond dated February 14, 2013, regarding the off-premises directional signage for CGR, which states that they have identified 2 key privately-owned properties to place off premise signs along with 2 locations on CGR's property. Betsey made the Motion to authorize the Town Planner and DPW Director to approach the 2 private property owners to ascertain their willingness to have an off-premise directional sign on their property, which will be through CGR. Cristina Ashjian asked why the Town isn't pursuing placing non-advertising, directional signs in the state's right of way. Scott replied that DOT will not allow off-premise signs in the state's right of way. Russ suggested that if Ms. Ashjian feels she can get DOT to do this, then go ahead and try. The Town is trying to resolve the problem and do the best that they can.

7. Review for Approval: MPD Highway Safety Projects (5): Betsey commented that she noted that there were different population numbers on the applications and they need to be same. Carter agreed, and said that none of the numbers were the actual 2010 census numbers. Betsey Made the Motion to approve the MPD Highway Safety Projects for the Moultonborough School Bus Patrols, Moultonborough Laser Radar, Moultonborough In-Cruiser Video, Moultonborough Enforcement Patrols, and Moultonborough DWI/DUI Patrols, authorizing the Chair or Vice Chair to sign all five. Russ Seconded the Motion. The Motion carried Unanimously.
8. Review for Approval: 2013 Time Warner Franchise Payment: Joel reported that the Town has received the franchise fee of \$31,113.43 from Time Warner. He added that the franchise fee has been going to its own account towards providing assistance to property owners to expand cable service.
9. Review for Approval: Draft Internet Intent & Implementation Policy: The Selectmen reviewed the draft policy. Russ commented that for those that don't accept "cookies" and have strong firewalls, they may be prevented from accessing information from the Town's website. Betsey complimented Carter on the definition of electioneering, as she felt he covered everything. Carter said that the important piece is in the change from prohibiting links to commercial organizations, which was the initial discussion. If approved, the Town will link to commercial organizations as long as they are partnering with the Town, as part of it's' strategy and mission. This now sets the stage for CGI Communications. Betsey Made the Motion to approve the Internet Intent & Implementation Policy as presented in the February 14, 2013 draft. Ed Seconded the Motion. The Motion carried Unanimously.
10. Review for Approval: CGI Communications: Carter reported the CGI proposal was revised and incorporates the Town's Internet Policy standards. Exhibit A states prohibited sponsors for CGI Communications Community Videos. They will display a pop-up disclaimer when leaving the Town's website to their site. CGI will be making 4 videos, 3 of which will be live and in Town. The 4<sup>th</sup> will be static information supplied to them. Russ Made the Motion to authorize the Chair to sign the CGI agreement, and to approve the letter to CGI dated February 21, 2013 and the letter to be sent to Moultonborough Business Owners. Ed Seconded the Motion. Peter Jensen asked if non-

profit organizations will have access to the Town's website. Carter said that the web calendar is only for Town sponsored events. If the Town or a department of the Town partners with a non-profit organization then that could be included. He gave as an example of the DPW partnering with the Moultonborough Girl Scouts in their Green Up Day. The Motion carried Unanimously.

11. Review for Approval: CY 2011 GASB-45 Report: Betsey asked and Carter proceeded to explain the amortization payment for the Town's accrued liability for non-pension payments for Town retirees, which includes health and dental insurance. GASB is not a government agency, but a standard that municipalities must follow if they want to have a clean audit. Each year the Town must calculate the annual contribution and the total liability amortized for 28 years. If the Town goes for a bond they must have these funds set aside. The report presented to the Selectmen, Carter said is a prime example of the work not seen by the taxpayers, that is time consuming and very detailed. Russ asked if the Town would still be responsible for an employee who had retired previously before coming to work here. Carter said that if a Moultonborough Town employee becomes vested, then the Town is responsible for them. Hollis Austin asked what GASB cost the taxpayers. Carter replied that every two years the GASB software costs \$2,500 plus the Town's labor. The advantage of being in compliance is having a clean audit and treated favorably as low risk by bond holders and DRA. Mr. Austin asked and learned that GASB is funded through the government and the private sector. Carter suggested that he check their website. Mr. Austin commented that GASB type requirements cost taxpayers money and is undue regulation. Jean Beadle, Chair of the Advisory Budget Committee said that the private sector has had to follow similar regulation through FASB and has been required to do so for a long time.
12. Review for Approval: Contract Award Re Security Upgrades Collector/Clerk Offices: Carter reported that they received two proposals to address the security issues in the Town Clerk and Tax Collector offices. The ergonomic issues have yet to be addressed. The proposals were given based on increasing the height of the glass and cutting a speaking hole. In an effort to move forward, Carter suggested one of two approaches. The first was to go ahead with the glass, or just replace the 2 swinging doors with one door and come back, say in 90 days with a comprehensive plan, which will address all aspects. Carter said that the doors will require an electric release, and couldn't guarantee that DOL will approve. He cautioned that in the future, once they've agreed upon a final plan that the door may have to be adjusted. Jon thought that they should go ahead with the door. Town Clerk Barbara Wakefield told the Selectmen that she has researched several towns, and spoke with DOL and the Attorney General's office. Her concerns is that the glass will make it hard for people to hear and will also eliminate privacy. In speaking with DOL they told her they will not review/approve of plans, and advised her that anything that is done will be better than what they have now. She suggested a counter such as seen at a bank with a 12" opening without the glass. Barbara suggested going to a glass company and getting their recommendation as that is what they do. Joel asked and Barbara said that she liked the plans drawn up by Jon. Hollis Austin felt that DOL is making this kind of order to keep itself in existence. Joel replied that DOL has notified the Town that there are security issues and feels that it can't be ignored. On the outside chance, he would hate to have something terrible happen and have an employee wounded, or worse yet killed. Joel said that they are trying to come up with a suitable design that everyone will be happy with. Jon Made the Motion to proceed with the door and accept Kepco Construction's bid of \$6,100. Ed Seconded the Motion. Russ objected as he felt the cost for a door should be much less. Scott said that as long as it is under

\$5,000 then the cost for the door could come from the facilities budget without a bid. Nancy Wright asked if the Selectmen were really concerned that someone would try to get at the staff in the Clerk's office. Joel replied that was correct. Jon amended his motion to approve the construction/installation of a door in the Town Clerk's office to come out of the Facilities account. Ed Seconded. The Motion carried Unanimously. Joel asked and the Selectmen agreed that a final plan should be presented no later than 90 days.

13. Joel suggested and the Selectmen agreed to no longer have different meeting times for the Payroll/Payables Manifest & Signature meetings and from now on they will all be scheduled at 4 p.m. On the 4<sup>th</sup> Thursday of the month, the Selectmen's work session will proceed after the Payroll/Payables Manifest & Signature meeting has closed. He added that come summer, if 4 p.m. makes it difficult to attend, then they will look at it then.

**VII. OLD BUSINESS:**

1. Jon asked Carter to include in the frequently asked questions section for the Town Warrant and Town Meeting to further explain the testing that will be done for the old dump site on Holland Hill. Carter said he would add that.

**VIII. OTHER BUSINESS:**

1. Board Liaison Reports: None.
2. Administrative Update: Carter reported that he has reviewed the wording of the proposed constitutional amendment on education funding. He also emailed an article regarding the Secretary of the State for the Selectmen to review.
3. Recreation Advisory Board Minutes, January 14, 2013: Acknowledged.
4. Milfoil Committee Minutes, January 31, 2013: Acknowledged.
5. Conservation Commission Minutes, February 4, 2013: Acknowledged.

**IX. CORRESPONDENCE: None.**

- X. CITIZEN INPUT:** 1) Nancy Wright asked if the Selectmen have approved the Community Garden. Carter replied that they have approved of the concept. The Lions Club needs to sign off regarding the well and this will be done in March. He expects it to be on the March 7<sup>th</sup> agenda. 2) Hollis Austin said the Town should have state representatives look into DOL.

- XI. NON-PUBLIC SESSION:** Russ 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. A Roll call was taken: Jon – Aye; Betsey – Aye; Ed – Aye; Joel – Aye. The Selectmen went into Non-Public Session at 9:17 p.m.

The Board exited Non-Public Session at 9:36 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:** Jon Made the Motion to Adjourn. Betsey Seconded the Motion.  
Motion Carried Unanimously.  
Joel adjourned the meeting at 9:37 p.m.

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Approved

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Date:

Respectfully Submitted

Hope K. Kokas, Administrative Assistant

Draft