

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

Selectmen's Meeting

June 20, 2013

MINUTES

Selectmen: Joel R. Mudgett, Jonathan W. Tolman, Edward J. Charest (absent with prior notice), Christopher P. Shipp, 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 June 6, 2013 and June 13, 2013 as written. Chris Seconded the Motion. The Motion carried unanimously.

IV. NEW RESIDENTS: Catherine M. Morrison, Jeremy P. Lamson, Richard E. & Deborah L. Kumpf, Raymond G. & Rhoda J. Quist, Irene B. George.

V. CITIZEN INPUT: 1) None.

VI. NEW BUSINESS:

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

DOCUMENT DATE	DOCUMENT	MAP/LOT#
6/20/13	Abatement – Denied	217-053
6/20/13	Abatement – Granted	217-052
6/20/13	Abatement – Granted	291-016
6/20/13	Abatement – Granted	130-065-000, 130-065-001, 130-065-002, 130-065-003, 130-065-004 & 130-065-005
6/20/13	Abatement – Denied	198-008, 009, 023 & 024
6/20/13	2013 Yield Tax	029-001
6/20/13	Certification of Yield Taxes Assessed	052-019
6/20/13	Certification of Yield Taxes Assessed	401-005
6/20/13	Payables Manifest & Signature File, 6/20/13 \$713,487.92.	N/A

Joel read the file for June 20, 2013. Russ Made the Motion to approve the Payable\ Payroll Manifest & Signature File for June 20, 2013 as written. Chris Seconded. The Motion carried unanimously.

2. Review for Approval: JLMC Training: Carter reported that the Joint Loss Management Committee is requesting that Selectmen approve the spring/summer and fall/winter trainings, tentatively scheduled for July 16th or 23rd, and October 15th or the 22nd. The

fall training will focus on the Basic Incident Command System training. On the scheduled day, all non-essential departments will close at 2 p.m. and the trainings will go to 4 p.m. He added that the state requires that the Town hold one JLMC training a year, but Moultonborough has traditionally had two per year. Jon Made the Motion to approve the JLMC meetings for July 16th or July 23rd, and October 15th or 22nd, from 2 p.m. to 4 p.m., closing all non-essential departments. Chris Seconded and the Motion carried unanimously.

3. Review for Approval: 2013 Road Program Amendment No. 2 – FR Carroll: Carter reminded the Selectmen that this is a three year term contract, so each year requires a change order. For the 2013 Road Program, which includes the amount of the 10% contingency is \$383,500. Russ asked how the contingency is shown on the budget. Carter replied that it is part of the road project, adding that the RFP for Clarks and Blacks Landing will go out in two weeks. Russ Made the Motion to approve the 2013 Road Program Amendment No. 2 for FR Carroll to not exceed \$383,500, which includes the 10% contingency. Chris Seconded. The Motion carried unanimously.
4. Review for Approval: 2013 Road Program Amendment No. 1 – KV Partners: Carter reported that this is the construction/engineering services for the 2013 Road Program, including Blacks and Clarks Landing to not exceed \$33,640. Jon Made the Motion to authorize the Chair to sign Amendment No. 1 for KV Partners services as outlined in KVP's memo dated June 13, 2013. Chris Seconded and the Motion carried unanimously.
5. Review for Approval: Soccer Field Cistern Change Order #1: Carter reminded the Selectmen that the construction contract did not include the cistern which is needed for irrigation. With the 10% contingency the amount is \$58,190. Russ asked if the cistern will require any permitting from DES. Carter replied that it will not, and this is the last element to put in place. An additional \$30,000 will be expended on several other vendors on Scott Kinmond's signature for the cistern piping and pump to service the skating rink. Russ Made the Motion to approve Change Order #1 for the soccer field cistern to not exceed \$58,190, which includes the 10% contingency, and authorize the Chair to sign. Jon Seconded. The Motion carried unanimously.
6. Review for Approval: Pathway Paving Amending Approval of May 16, 2013: Jon asked and Carter replied the original amount was approximately \$30,000. Unfortunately Scott gave Carter an estimate based on his memory, which was in error. Carter added that the work has been done. Hollis Austin asked what the length of the reconstructed Pathway is and learned approximately 2,800 feet. He then asked how much more is to be worked on. Joel replied that people would like to see it go to Shaker Jerry Road. Mr. Austin asked why the original construction wasn't consistent. Joel replied that the original was designed to save the Town money. The work that is being done now, expanding the path to the state road, requires that the depth of the Pathway be the same as the road. Joel could not speculate on future costs, but thought that having one side of the Pathway at 6' should be all that is needed. Clelia MacKay asked why only one side wasn't done this way originally, which probably would have saved the Town money. Jon replied that the state wouldn't allow the Town to extend the path to the state's road, without it having the same depth. Russ said he could understand the state's reasoning, adding that before it looked like a path and now it looks like a highway. Mr. Austin asked and learned that the original purpose of the Pathway was to get people off of the road when walking, biking, etc. Chris, replying to Mr. Austin's question, said that Phase I of the Pathway is used continuously, however Phase II is not used nearly as much because of the rocks, making it unsafe. He thought once it is fixed, it will be easy to assess the use. Chris Made the

- Motion to approve the Pathway paving, amending the cost to not exceed \$47,172 and authorize the Chair to sign. Russ Seconded and the Motion carried unanimously.
7. Review for Approval: LRPC-TAC Alternate Appointment, Herbert Farnham: Russ Made the Motion to re-appointment Herbert Farnham as an Alternate to the Lakes Region Planning Commission's Transportation Advisory Committee to July 31, 2015. Jon Seconded, asking that the appointment letter be corrected to reflect alternate throughout. The Motion carried unanimously.
 8. Review for Approval: Temporary Use Permit, 1003 Whittier Highway: Jim Zelek was present to speak to his request for the Temporary Use Permit, stating that the property owner has given permission, and he has spoken with the Fire and Police Chief. Joel noted that Chief Bengtson and Chief Wetherbee have both given their approval. Jon Made the Motion to approve the Temporary Use Permit for 1003 Whittier Highway as submitted. Russ Seconded and the Motion carried unanimously.
 9. Review for Approval: Temporary Use Permit, 347 Whittier Highway: Joel noted that the Police and Fire Chiefs have reviewed, commented, and recommended approval. Russ Made the Motion to approve the Temporary Use Permit for 347 Whittier Highway, July 21 to July 23, 2013, and authorize the Chair to sign. Chris Seconded the Motion. The Motion carried unanimously.
 10. Review for Approval: Adoption of Moultonborough's NH Multi-Hazard Mitigation Plan: Per Chief Bengtson's memo to the Selectmen, Carter reported that the Town's plan complies with FEMA's requirements. Russ Made the Motion to adopt the Town's Hazard Mitigation Plan as approved by FMEA Region I. Jon Seconded and the Motion carried unanimously.
 11. Review: Camp Tecumseh Cemetery: Joel reported that in the letter from Camp Tecumseh, they decided that they will fix the cemetery located on their property to a standard that is respectful to those that are buried there. Carter asked and it was approved by consensus that he can now send correspondence to the person who initially brought this problem to the Town's attention, informing him of the result and that the cemetery will not be added to the Town's inventory.
 12. Non-Public Session: 91-A: 3 II. (d): Joel stated that it was necessary for the Selectmen to go into Non-Public Session. Jon Made the Motion for the Selectmen to go into Non-Public Session per 91-A: 3 II (d). Chris seconded. A Roll call was taken: Jon – Aye; Chris – Aye, Russ – Aye, Joel – Aye. The Selectmen went into Non-Public Session at 7:53 p.m.

The Board exited Non-Public Session at 8:04 p.m. having voted by a vote of 2/3 or greater of the members present to seal the minutes, as divulgence of the information discussed likely would render the action ineffective, until - in the opinion of a majority of the members - the aforesaid circumstances no longer apply.

Joel reported that the Selectmen, during Non-Public Sessions have been discussing the purchase of 970 Whittier Highway, owned by the Adele Taylor Trust. The Selectmen feel that this is a key piece of land as it abuts the school, and could allow students to walk through the property to access Whittier Highway. It could also be used to build the Recreation Department's gym (if approved), or be a second egress out of the school. It has been offered to the Town at a substantial savings, but the final decision will be made by the voters at Town Meeting. Jon added that one of the trustees approached the Selectmen offering the property to the Town, with the proceeds of the sale to go to an educational scholarship in perpetuity for graduating Academy students. Joel made the

Motion to authorize the Chair to negotiate a Purchase Option for the property located at 970 Whittier Highway for the sum of \$240,900 subject to the following conditions, amongst he shall negotiate: 1) Appropriation of the sums needed by the Town Meeting of 2014; 2) The establishment of a suitable vehicle by which the seller will deposit the net sum they derive from the sale into a scholarship fund for the graduates of Moultonborough Academy to pursue advanced learning; 3) The submission of the proposed purchase to the Capital Improvements Program Committee; 4) The submission of the proposed purchase to the Planning Board, Conservation Commission, and Public Hearing as required by RSA 41:14-a; and 5) Final adoption of the executed agreement by this body. Russ Seconded the Motion. Clelia MacKay asked if this property would just be used for the proposed gym. Joel replied that they were not sure at this time. Jon said that in their process they must decide whether to save the building, or just use the access and create a Town green. Russ said he was very excited about the possibilities and the Town's voters will get to decide. Joel said he felt it was their responsibility to bring this to the Town. Jay O'Donnell asked and the Selectmen confirmed that they will be negotiating the purchase, but it will be contingent upon approval at Town Meeting. Jean Beadle asked if the sellers are requiring that the present building remain. Jon replied that this has been discussed and the sellers have agreed (so far) that the sale will not be tied to the building staying. Joel reported that the property consists of 5 acres. The Motion carried unanimously.

13. Review & Approval: Direction to TA Re Filing w/CIPC of Any Added Projects: The Selectmen asked Carter to send this to the Planning Board, CIPC, and Conservation Commission for their review. Carter said he will wait to schedule a public hearing until August.

VIII. OLD BUSINESS:

1. Administrative Abatements #1 and 2 – Camper Taxation: Joel reported that in the Assessor's memo to them, that DRA was asked for their opinion, but have yet to respond as of today's date. Carter reported that there was a split in opinions from the towns responding to Assessor Gary Karp's question about how they handle the assessment of registered campers: 5 towns said that if registered, then not assessed, and 3 towns do assess registered campers if they are in the same spot for one year. Gary said that this was the first year for Moultonborough to assess campers. Initially he talked with the Alton Assessor and copied their letter which was sent to camper owners, stating that if the camper was registered as of April 1, then it would not be assessed. He added that Alton has since changed their requirements, and now assess registered campers if they remain on the same camp site. Gary told the Selectmen that the two Administrative Abatements that were before the Selectmen are a result of the letter that he sent out, which stated if the camper was registered as of April 1, 2013, then there would be no assessment. He added that in addition to the two before them, he knows that there is one more coming. Russ feels that the Town needs to be consistent and this must be based on all four criteria, which he reads that if the camper is on site as of April 1 and registered it is still subject to taxation as a dwelling. Gary said that if the camper is registered it can pick up and go, as long as there are no attachments to the camper. He added that this is the first year, and he inspected campers in November of 2012 and again in April of 2013. He asked that for this year, the Selectmen agree to not assess registered campers. He will go and view the campers again in November and April, and will see who remains on site, registered and unregistered. The Selectmen by consensus said that they will go along

with this for this year. Carter recommended approving the Administrative Abatements and see if DRA responds to Gary's question. The Selectmen can further discuss this during their budget workshops, and decide at that time. This will give Gary time to notify owners of the Selectmen's decision. Russ said he looked at Alton's response, as they based their decision on the owner's intent and if they keep the camper there year after year. Gary said to date, there are only a total of 3 abatements, and asked again for the Selectmen to look at it and decide what to do for next year. Jon Made the Motion to grant the Administrative Abatements for numbers 242 and 243, and to look at the question for next year. Russ Seconded the Motion. Joel said that owners need to be notified before the campgrounds close, allowing them to move their campers. The Motion carried unanimously. Carter thought that when DRA's Steve Hamilton gives his presentation on June 26th (at the Public Safety Building), that the question can be asked again, hopefully providing some direction.

IX. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: 1) Russ reported that the Planning Board approved two subdivisions: Rock Pile, LLC, and the Norway Point 8 lot subdivision, which will have a hydrant and cistern at the end of Rupert Road. Carter said he will check with Bruce regarding the timing of the cistern acceptance. 2) Jon reported that the CIPC met and is going over department requests. 3) Chris asked, and Jean Beadle, Chair of the ABC reported that they are looking at the school's budget. Russ asked if any of the Selectmen plan to attend the LRPC dinner meeting. As no one else is attending, he said he would go with the Town Planner. Carter said he will be attending the DRA presentation, and Russ and Jon said they would also be attending.
2. Milfoil Committee Minutes, May 29, 2013: Acknowledged.
3. CIPC Minutes, May 30, 2013: Acknowledged.

X. CORRESPONDENCE:

1. Time Warner Cable, June 3rd & June 5th (2): Joel reported this is their usual correspondence of possible program changes.
2. Alfred & Bertha Luongo, Received June 10, 2013, and Re: MBLU 099-133: Carter reported that the CEO and Town Planner viewed the property in question and did not find any violations. The Selectmen gave their approval to send out the letter Carter had drafted.
3. Judith Conway, May 28, 2013, Assessment Assistance: Carter asked and the Selectmen gave their approval to send out his drafted letter, which provides a general explanation of the assistance/exemptions available.

- XI. CITIZEN INPUT:** 1) Peter Jensen, Chair of the Milfoil Committee reported that the first herbicide treatment was done yesterday on Lees Pond, and the second treatment will be done after the Steamboat Rally. 2) Hollis Austin suggested that if people have concerns about their taxes, then they should be attending the Selectmen's meeting and asking questions. He requested that during the Old Business section, that the Selectmen provide an update each meeting about the proposed plans for the Recreation Department's gym. Joel said that when information becomes available they will consider this. Mr. Austin asked what LRPC's presentation was about and if it was open to the public. Russ replied that as far as he knew, invitations were sent out to municipalities only, and the director will likely be providing an update of what LRPC is

doing. 3) Jay O'Donnell asked what can be done within 50' of the lake for tree cutting, and if the Town is more strict than the state when it comes to the Shoreland Protection Act. Russ responded that the Town is stricter, and advised that information can be found through the Town's Zoning Ordinances. He explained that the Planning Board worked on cleaning up redundancies. The state revamped the Shoreland Protection Act from the original 2008 standards, however, Moultonborough wanted to adhere to those 2008 standards, as did other Lake Winnepesaukee towns. Jon and Carter recommended utilizing the Town's website for additional information. Carter offered to take the gentleman's information and have the Planner respond to his question.

Joel commented to the audience that people can discuss the Town's proposed purchase of the Taylor property, but to remember that the final decision is up to the Town's people.

XII. NON-PUBLIC SESSION: None needed.

XIII. ADJOURNMENT: Chris Made the Motion to Adjourn. Jon Seconded the Motion.
Motion Carried Unanimously.
Joel adjourned the meeting at 8:35 p.m.

Approved

Date:
Respectfully Submitted
Hope K. Kokas, Administrative Assistant