

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

Selectmen & Planning Board Joint Work Session, 4 PM

September 26, 2013

MINUTES

Selectmen: Joel R. Mudgett, Chair, Jonathan W. Tolman, Edward J. Charest, Christopher P. Shipp, Russell C. Wakefield; Town Administrator, Carter Terenzini.

Planning Board: Tom Howard, Chair, Josh Bartlett, Bob Goffredo, Peter Jensen, Nat King, Paul Punturieri, Judith Ryerson; Town Planner, Bruce Woodruff & Code Enforcement Officer, Don Cahoon

I. CALL TO ORDER: Joel called the meeting to Order at 4:00 P.M.

II. PLEDGE OF ALLEGIANCE:

III. REVIEW OF PAYROLL MANIFEST & SIGNATURE FILE:

DATE	DOCUMENT	MAP/LOT#
10/3/13	Certificate of Recognition, Community Garden Partners	N/A
9/19/13	Personnel Grade Change	N/A
9/26/13	Shannon Cemetery Deed, lot #182	N/A
9/26/13	Veterans' Tax Credit 2014 – Approved	099-157
9/26/13	2013 Yield Tax	159-011, 182-001, 002 & 007
9/26/13	2013 MS-1 Values	N/A
9/26/13	Payroll/Payables Manifest & Signature File, \$947,348.32	N/A

Joel read the Payroll/Payables Manifest and Signature File as listed above. Russ made the Motion to approve the Payroll Manifest & Signature File for September 26, 2013. Ed Seconded. The Motion carried Unanimously.

IV. SELECTMEN'S WORK SESSION CHECKLIST:

- Soccer Field Irrigation System:** Scott Kinmond reported that a local contractor who had been scheduled to do the work and was pushed back by delays, now can't work as planned. Scott had solicited two new proposals, which were slightly different designs, but very close in price. After discussion, Joel Moved, Russ Seconded to authorize the Road Agent/DPW Director to proceed with a contract for Lakes Region Pump & Irrigation in the amount of \$9,200 and further, that-in case of an inability to reach an agreement, the DPW Director may proceed to the alternative proposal. The vote was taken 3 Ayes and 2 Nays (Chris and Jon, Nay). The Motion carried. Chris stressed that he would like the Board to receive these questions earlier in the process so that they might have longer to consider them.
- After the Fact Land Use:** Carter said that at the last meeting the concept of added fees for after the fact land-use approvals was discussed. In that conversation the need to hold builders accountable who proceed without building permits was also discussed. The Town Administrator said he had asked the CEO and Town Planner to come up with

language to do so. Bruce Woodruff spoke to the new language in a proposed amendment to the Building Code Ordinance and fee schedule. There was also a proposal to make the Zoning Board of Adjustments the Board of Appeals for the building code. This five member panel was no longer fully constituted and had only met twice in almost twenty years. Tom Howard, Planning Board Chair spoke to a concern that fees may not be enough by themselves if it just becomes the cost of doing business. He suggested there is also a problem with the issue of habitual offenders. Nat King thought that it might be appropriate to find a way to inform the public of these offenders. Paul Punturieri asked about the statute which controls the maximum fine and asked if we have the legal basis for this. Bruce Woodruff said this is as an after the fact administrative penalty fee which is authorized under the building code and not as a “fine”. Peter Jensen spoke to RSA 676:15 which he felt allowed the suspension of the processing of other permits and applications while someone is in violation. He suggested that the enabling statutes they are relying on be referred to in the revised ordinances. During the discussion of withholding/holding up permit applications if there was a pending violation, Paul Punturieri asked if there was state legislation that addresses this. Bruce said he would confirm this. Josh Bartlett asked if these penalties and fees could be made retroactive and learned it could not. Discussion returned to repeat offenders and how they might deal with that. Bruce Woodruff will research the issue and bring a revised Draft of all the documents back to a Selectmen workshop and the Planning Board.

3. ODS & Assessing Re: Permit Category & Fee: Carter said the staff had come to believe that requiring a permit for building demolition was an important step from a health, land-use, and assessing viewpoint. The proposed fee was \$50. He stressed this was not an attempt to promote a delay or review ordinance as had been discussed about a year ago. Bruce Woodruff spoke to the need to record a structure’s location for future land use (grandfathering) applications, cap utilities properly (sewer and water), inspect for vermin/insect infestations and require any needed exterminations so the hazard is not simply displaced to adjoining properties, ensure a proper disposal of any hazardous materials (asbestos, lead paint, partially filled oil tanks), and demolition debris. This would also provide the needed data to the Assessor to remove such structures from the tax rolls in a timely manner. Don Cahoon, Code Enforcement Officer, stressed there should be little if any delay as the law already requires certain notices to DES on asbestos and other matters. He thought that anything we would be asking someone to do could be done simultaneously within those time frames. Russ said that a lot of other communities have the same thing for the same reasons. There was a question as to what size structures we might be required under this permit, i.e., sheds and decks. Don pointed out that these often can have asbestos materials as well. The consensus was for staff to bring back a guidance document with more detail as to exactly what would be covered and how this might be applied for review at the next workshop.
4. Moultonborough Inlet & S.319 Status: Our application is one of 12 approved to submit final proposals. We will be presenting on 10/10 to DES. They are feeling very confident that they may be able to fund all of the applications based upon the proposed budgets and available funding.
5. Communications Technology Fund: This fund had been created over 6 years ago and would have \$180k+/- in it by year’s end. The TA has suggested that we should develop a plan to expend it or return the funds to the taxpayer. The first question becomes if the Town will accept the Time Warner (TWC) exclusion, in calculating the 15 homes per mile density trigger for system expansion, of individual satellite service under the franchise agreement of “Master Satellite Antenna” systems and whether or not we would

accept the TWC exclusion of those who might require “non-standard” service (i.e. more than 150’ from the street). The consensus was to inform TWC that we did not accept such exclusions and would be holding them to the strictest standard as we interpreted it in our favor. After considerable discussion as to the steps the Town might take if they should not agree, it was determined best to inform them of our position and see how that evolved. The TA said that even if TWC accepted the Town’s position it would not ensure the community was fully covered. Therefore, the question turned to whether or not we are trying to build out the cable network or a broadband network. The consensus was to defer this question for the time being and await TWC’s response.

- V. **ADJOURNMENT:** There being no further business the Chair adjourned at 5:30 p.m.

Approved

Respectfully Submitted
Carter Terenzini

Date