

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

Selectmen's Meeting

June 5, 2014

MINUTES

Present: Selectmen: Jonathan W. Tolman, Chair (absent with prior notice), Joel R. Mudgett, Vice Chair, Paul T. Punturieri, Christopher P. Shipp, Russell C. Wakefield; Carter Terenzini, Town Administrator; and 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 May 15, 2014 and May 22, 2014 minutes as written. Paul Seconded the Motion. The Motion carried Unanimously.
- IV. PUBLIC HEARING(S): Discretionary Preservation Easements per RSA 79-D, (2):**
1. Loretta L. Burrows Revocable Trust, MBLU 003-001, Ossipee Mountain Road; and
 2. Ronald M. Sr. & Rae Marie Davis, MBLU 115-012, 11 Sawmill Way

Joel opened the public hearing at 7:02 p.m. and asked the Chair of the Heritage Commission, Cristina Ashjian to speak to the two Discretionary Preservation Easements. Ms. Ashjian said that the Commission was pleased to have two applications to preserve these barns, both that are actively being used to house Hereford cattle. Russ asked if there was a criteria for upgrades and Ms. Ashjian replied that the property owners are required to repair and maintain the structures in the historical character. Ms. Ashjian told the Selectmen that the buildings under the preservation easements are inspected yearly by the Heritage Commission and the Assessor. Paul said that the applications refer to a maintenance plan. Ms. Ashjian provided him with her handwritten copy for each and it was agreed that the document would be included in each file. She reported that the Town adopted the requirement that structures must be at least 50 years old for eligibility. Hollis Austin thought that the Town's policy on Discretionary Preservations Easements with the goal of preserving historical structures makes Moultonborough a more desirable place to live. Joel and the Selectmen agreed that it is great to have two working barns receive the easements. Russ Made the Motion to grant the Discretionary Preservation Easements per RSA 79-D for the structure owned by Loretta L. Burrows Revocable Trust on Ossipee Mountain Road, Map 003, Lot 001, and for the structure owned by Ronald M. Sr. and Rae Marie Davis located on 11 Sawmill Way, Map 115, Lot 012, as written in the Assessor's memo dated June 2, 2014. Paul Seconded and the Motion carried Unanimously. Joel closed the public hearing at 7:10 p.m.

- V. CITIZEN INPUT:** 1) Linda Punturieri asked if white lines would be painted on Old Route 109, as the lines are nearly invisible and it has become hazardous. Road Agent, Scott Kinmond reported that yellow and not white lines would be painted, however he was unable to say when this would happen. A multi-town request for line striping bids was made, but without any bidders. Scott thought that perhaps the reason is that these vendors have an abundance of work.

VI. NEW BUSINESS:1. Review for Action: Consent & Signature File:

DATE	DOCUMENT	MAP/LOT#
6/5/14	Warrant for Unlicensed Dogs June 2013	N/A
6/5/14	2015 Veterans' Tax Credit – Denied	044-003
6/5/14	2014 Elderly Exemption – Approved	6-2014-E
6/5/14	2014 Elderly Exemption – Denied	7-2014-E
6/5/14	2014 Disabled Exemption – Updated	272-034
6/5/14	Application for Construction of Driveways	049-005
6/5/14	Gravel Tax Levy - <i>Tabled</i>	141-011
6/5/14	Abatement – Granted	278-033
6/5/14	Abatement – Granted	201-032
6/5/14	Abatement – Granted	263-080
6/5/14	Abatement – Denied	037-007
6/5/14	Lease Agreement, Slip #3-A	119-028 & 029
6/5/14	Lease Agreement, Slip #1-A	131-008
6/5/14	Disposal Agreement	098-079
6/5/14	Disposal Agreement	162-006
6/5/14	Disposal Agreement	017-007
6/5/14	Corrected Cemetery Deed, Lot #294 Shannon Cemetery	N/A
6/5/14	Corrected Cemetery Deed, Lots #177, 178 & 179, Shannon Cemetery	N/A
6/5/14	Cemetery Deed, Lot #219, Shannon Cemetery	N/A

Joel read the Consent & Signature File for June 5, 2014. Paul Made the Motion to approve the Consent & Signature File for June 5, 2014. Chris Seconded. Joel asked about the Gravel Tax. Gary Karp reported that in the excavation done for the new CRUCON building, gravel was removed over the minimum allowed. DRA observed it and made the Town aware that it required a notice of intent. The Selectmen agreed that they've not seen this before and want more information, in particular how much gravel was removed. Hollis Austin asked what the benefit of the tax is. Ron Davis thought that the tax is for actual gravel pits that sell it for profit, and thought that this is prohibitive for new businesses on Route 25. Gary explained that in its natural state it isn't taxed, but removing the gravel depreciates the value of the land. Carter suggested and the Selectmen agreed to table the gravel tax for the next meeting. Paul Amended his Motion to include tabling the gravel tax, Chris Seconded and the Motion carried Unanimously.

2. Review for Action: 2014 Charitable Exemption Request, Carbonfund.Org Foundation:

Joel reported that the property is the former Camp Quinebargue, Map 107 and Lot 108. Paul asked Assessor, Gary Karp to go over the 4 criteria items for approval. The first, is that the organization has been established for charitable purposes, which is stated on their website. The second is that the organization provides a benefit to the community which is identified through the several camper scholarships that they give to youth in Moultonborough and in New Hampshire. Third is that the property is being used by the organization for the stated charitable purpose, which is on Carbonfund.Org's website. Fourth, the organization's income/profit is used for the purpose for which the

organization was established. Gary said that while the president does receive a salary which appears to not meet this criteria, he found two NH Supreme Court cases, allowed this. He added that other Moultonborough charitable organizations that are exempt also have officers who receive a salary. Based on these factors Gary recommended approving the exemption for the 2014 tax year, adding that those who he has spoken with at Carbonfund are willing to discuss a PILOT program, as they want to be good neighbors. Gary replied to Paul's question, that approximately \$30,000 of tax revenue would be exempted. Russ questioned their 2012 IRS 990 which does not report any activities/expenses at "Camp Quinebargue", also their profit and loss statement and the director's salary. Paul questioned if the Selectmen could deny the request, as they meet the requirements for a charitable organization through the State of New Hampshire and federally as an IRS 501(c). Russ said he wanted more information before approving it. Gary said that initially he had concerns which he expressed to the organization's attorney and also the director regarding the lack of information in the 2012 IRS 990. Chris thought that if they meet the qualifications for charitable, then they qualify. Paul added that he did view their website and read their mission. Gary said that if they approve it for 2014, then the organization is required to come back yearly with their documentation. Paul Made the Motion to approve the 2014 Charitable Exemption for Carbonfund.Org. Chris Seconded the Motion. Hollis Austin questioned if the organization was more political versus a summer camp. Steve Maguire asked if the Selectmen had the option to deny the application. Carter explained that if the Selectmen denied the application, then they need a sound reason, as it would likely be appealed to the Board of Tax and Land Appeals, which costs the Town money and time. Russ said that he wanted more information regarding their activities and financials regarding the Moultonborough property. Gary offered to contact the Carbonfund.org president in Maryland to request that he appear before the Board. Carter suggested that the Selectmen table the question for their next meeting and that the Selectmen submit their questions to Gary. Paul amended his Motion to table the item until the June 19th meeting. Chris Seconded and the Motion carried Unanimously.

3. Review for Action: Award of Contract Re: 2014 Moving Equipment (3 Pieces): Carter reported that Scott has reviewed the bids and they recommend awarding the purchases as listed in his memo dated May 27, 2014, authorizing the Town Administrator to sign. Joel asked about the 30 day warranty for the 2008 bucket truck being purchased and if that was enough time. Scott said he could negotiate the warranty based on hours of service versus days. Adding that when buying used equipment this is always a risk, but the cost of a new bucket truck is too high. Chris Made the Motion to approve 2014 Moving Equipment Bid awards as written, authorizing the Town Administrator to sign, and also for the Road Agent to negotiate the warranty on item #3. Paul Seconded and the Motion carried Unanimously.
4. Review for Action: Award of Contract Re: Sale of Surplus Items: Carter reported that the highest bids are recommended except for items 1 and 2, which should be traded in. The recommended bid for item 3 is lower than the hurdle price, but the bidder also takes items 4, 14, 18, 19, 33 and awarding item 3 would insure that all the rest would go too. It is staff's recommendation to award the bids as stated in the memo dated May 27, 2014 and authorize the Town Administrator to sign the bills of sale. Chris questioned holding over items 12, 13, 15 and 34 for next year's surplus sale, as these computer items take up a lot of space and are of little value. Scott agreed, adding that their primary value would be in parts. Carter said that this has been the process, to insure that everyone is treated

the same. The process has been to hold over items that don't sell and offer them the next year, at which time if they don't sell then to dispose of them. It has happened where items held over do sell the next year. Joel thought that if they want to change the process, then this is an item for a work session. Paul Made the Motion to award the sale of the Surplus items as listed in the May 27th memo, but to dispose of items 12, 13, 15 and 34 and authorize the Town Administrator to sign the bills of sale. Russ Seconded and the Motion carried Unanimously.

5. Review for Action: Award of Contract Re: Crushed Aggregates: Carter reported that there were only 2 bidders this year. Russ Made the Motion to award the contract to Robinson of Tamworth for a total cost of \$234,850 which includes the 10% contingency, authorizing the Town Administrator to sign the contract. Chris Seconded. Mr. Austin asked why only 2 bidders. Carter said that his only explanation is that it is based on the economy. He added that the requirement of the contract is that true weights on standing scales be used, which might have discouraged some bidders. The Motion carried Unanimously.
6. Review for Action: 2014 Roadside Mower Rates: Carter asked that the chair and DPW Director be authorized to sign the contracts. Scott reported that the rate for the larger mower is \$10 more than last year, which is in line with the state. These are the same contractors as last year, which is helpful as they know the Town boundaries and the property owners. The fuel surcharge is the same as in the winter. Paul Made the Motion to authorize the Chair and DPW Director to sign the contracts as listed in Scott's memo dated May 28, 2014. Chris Seconded and the Motion carried Unanimously.
7. Review for Action: FR Carroll Task Order Re: 2014 Road Program: Scott Kinmond reported that this cost is for 1st year of the 3 year contract. Russ Made the Motion to approve Task Order No. 1 for the 2014 Road program and authorize the Chair to sign. Paul Seconded and the Motion carried Unanimously.
8. Review for Action: Authorization of Reimbursement Re Certified Public Manager: Carter explained that if approved, the application must be accepted by the NH Division of Personnel, Bureau of Education and Training. Russ Made the Motion to approve reimbursement of the Certified Public Manager program. Paul Seconded. It is being requested to allow class time as regular work hours. Paul expressed concern if more than one staff is enrolled in the program, the Town is losing 20 days of staff time per person. Carter thought that only one staff person at a time would be enrolled, adding that if they don't complete the course then their access to leave time would be reduced accordingly. Joel asked and learned that it is required that one year be completed for the CPS, but Scott Kinmond is going for the CPM, 2 year program. Joel thought that it be treated as a pilot program and see how it goes. Chris thought that there should be a requirement that staff agree to stay employed with the Town after receiving educational reimbursement and if not be required to pay the Town back. Joel agreed that would be something to consider. The Motion carried Unanimously.
9. Review for Action: Temporary Use Permit, Buckey's Restaurant & Tavern: Chris Made the Motion to approve Buckey's annual Temporary Use Permit for June 19, 20 and 21. Paul Seconded and the Motion carried Unanimously.
10. Review for Action: Recreation Advisory Board, Re-Appoint A. Hume, C. Burns & M. Swedberg: Russ Made the Motion to re-appoint Al Hume, Celeste Burns as members of the Recreation Advisory Board with terms expiring March 31, 2016, and appoint Matthew Swedberg as a member, term also expiring March 31, 2016. Paul Seconded and the Motion carried Unanimously.

11. Review for Action: IMA Re: Agreement, Plymouth Village Water & Sewer District: Carter explained that the Town is required to have at least one disposal site. It is his recommendation to go with the 5 year contract at \$100 per year, versus the yearly at \$150 which is subject to change. Russ Made the Motion to approve the intermunicipal septage agreement for the 5 year contract with Plymouth Village Water & Sewer District. Chris Seconded and the Motion carried Unanimously.
12. Review for Action: PB Nomination of Paul T. Punturieri Re: LRPC Delegate: Carter reported that due to Herb Farnham's resignation, the Planning Board nominated Paul as a Delegate to the Lakes Region Planning Commission for a 2 year term, expiring November 26, 2016. Chris Made the Motion to appoint Paul T. Punturieri as a Delegate to the LRPC for a 2 year term. Russ Seconded and the Motion carried Unanimously.
13. Review for Action: Selectmen's Rules of Procedure: Russ asked to change item #5, page 2 adding the word discretion to read, "Accept public input at the Chair's *discretion* on any matter before the board, but only after each member of the Board, who so desires, has spoken to the matter;..." Clelia MacKay asked why he wanted to make this change. Russ replied that he wants the Chair to have the ability to end the discussion. Joel added that it is the Selectmen's business meeting and there are times the discussion needs to be limited to allow them to get through the agenda and get their work done. Russ Made the Motion to approve the Selectmen's Rules of Procedure, changing item #5 as requested. Paul Seconded and the Motion carried Unanimously.
14. Review for Action: Award of Contract Re: Total Compensation Study: Russ Made the Motion to award the compensation study to Gary Thornton & Associates for \$6,950 and authorize the Town Administrator to sign. Paul Seconded the Motion noting that the other bid was for \$20,000. Carter added that the third bidder dropped out. The Motion carried Unanimously.
15. Review for Action: Administrative Procedures Re Code of Conduct: Paul asked about section 5 and if it is necessary that the Town Administrator *shall* consult with Town Counsel, expressing his concern that the cost for the consultation is high. He suggested to replacing shall with *may*. Carter added that he created 3 simple forms for employees and officers to complete. Complaints would be dealt with in a non-public session, unless it concerns a member of the Board and meets the RSA. There will be an initial educational training for employees and officers, including an evening, and then a training every year. Russ asked about section 9 requiring that a complaint be filed within 1 year. Carter said that language is to prevent someone going back several years. Russ noted that there were 2 section 9's and Carter said that it would be corrected. Paul asked if the procedures to the Code of Conduct can be changed after Town Meeting approved it. Carter said that the ordinance is not being changed, but these are the rules to implement it. Chris asked how form 3 applies to the Selectmen. Carter said that if the Selectmen are invited to an event at no cost to them and which may be perceived to be a conflict, it is necessary that they complete this form. A dinner that costs others more than the minimum amount stated, but is being offered to the Board members at no cost must be disclosed and if the value is over \$50, may be prohibited from attending, unless approved by the Board. Paul Made the Motion to approve the Administrative Procedures for the Code of Conduct with the changes described. Russ Seconded. The Motion carried Unanimously.
16. Review for Action: Funding Re Village Vision Survey: Chris explained that the committee wants to send out a survey to reach all taxpayers and all residents, but the cost is high. He said that he has since learned that the Post Office has a program that they can

deliver 1 sheet at 20¢ per piece, which is done by zip code. Carter added that wouldn't include the return envelope. Russ thought that the taxpayers list and the voters list could be merged to reach all, but asked what the cost of return would be. The Selectmen discussed some of the options, one of which was a survey on the internet, but not all have computer/internet access. Carter said that without the Board's authorization, he was not comfortable spending \$4,250 +/- . Paul thought that the committee first needed to decide the actual amount needed and asked if \$5,000 would be enough. Chris thought that would be. Paul Made the Motion to authorize funding the production, mailing, and processing the Village Vision Survey to not exceed \$5,000. Joel wanted to be clear that they are authorizing the funds, but not the manpower, and Chris agreed. Russ Seconded and the Motion carried Unanimously.

VII. OLD BUSINESS: 1) None.

VIII. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: 1) Russ told the Board that the chair of the Planning Board, Josh Bartlett commented that the Master Plan is the Town's document and the Village Vision Study is a piece of it. He encouraged all residents to take part in the Village Vision Study. He added that the Planning Board will be appointing a replacement to fill Jim Zelek's seat on the Village Vision Committee, who recently passed away. Carter reminded him this was a Selectmen's appointment and reported that a request was put up on the Town's website for volunteers. 2) Paul reported that the CIPC met today and went over DPW's requests. As the Master Plan Implementation Committee has not met in 2014, he asked if he could draft a revision to the charter for the Selectmen's review. The Selectmen agreed by Consensus. 3) Joel reported that he attended the IMA Ambulance renewal contract meeting. Presently Moultonborough is paying the \$40,000 cost for a paramedic to staff the ambulance in Town. Joel thought that it was likely that this cost will be shared by the other towns and the benefit would be for all towns involved. 4) Russ reported that he attended the Board of Library Trustees (BOLT) meeting. He asked that they forward a copy of their minutes for the Board's review. Hope said that if they email it to her she will include it in the Selectmen's packets and will post it on the bulletin board. Other items discussed were the compensation study, pay for performance, attendance at staff meetings, operating hours, storm closings, holiday closings, and overall joint participation and coordination. Joel felt that there needs to be a happy medium between the Library's independence and their cooperation with the Town's policies and procedures as a whole. Russ said he will attend another meeting and bring these questions back to the BOLT.
2. Recreation Advisory Board Minutes, April 14, 2014: Acknowledged.
3. Zoning Board of Adjustment Minutes, May 7, 2014: Acknowledged.
4. Milfoil Committee Minutes, May 7, 2014: Acknowledged.
5. Planning Board Minutes, May 14, 2014 & May 28, 2014: Acknowledged.
6. Heritage Commission Minutes, May 14, 2014: Acknowledged.

IX. CORRESPONDENCE:

1. Time Warner Cable, May 7, 2014, Possible Program Changes: Joel reported that this is their usual letter.

2. John H. Livens, April 28, 2014, Assessing & 2013 Abatement: The Selectmen agreed that Gary should respond to Mr. Livens' letter as outlined in his memo to them.
3. Joel asked that the email that was sent to Jon regarding the Shannon Cemetery, along with the photo attached be placed on the next meeting agenda, June 16th.

X. CITIZEN INPUT: 1) Hollis Austin suggested that the Selectmen contact the Town's legislative representative regarding the gravel tax, which he felt had a negative impact on prospective businesses. He advised the Selectmen to review Carbonfund.org's history to be sure that their purpose isn't more than what was stated. He said it sounded to him like other group's means as propaganda.

XI. NON-PUBLIC SESSION: Paul 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. Russ Seconded. A roll call was taken: Paul – Aye; Chris – Aye; Russ – Aye; Joel – Aye. The Selectmen went into Non-Public Session at 9:36 p.m.

The Board exited Non-Public Session at 10:05 p.m. having voted by a vote of 2/3 or greater of the members present to seal the minutes, as determined that divulgence of the information discussed likely would adversely affect the reputation of a person other than the member of the public body itself.

XII. ADJOURNMENT: Paul Made the Motion to Adjourn. Chris Seconded. Motion Carried Unanimously
Joel adjourned the meeting at 10:06 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas