

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

Selectmen's Meeting

June 19, 2014

MINUTES

Present: Selectmen: Jonathan W. Tolman, Chair, Joel R. Mudgett, Vice Chair, Paul T. Punturieri, Christopher P. Shipp (absent with prior notice), Russell C. Wakefield; Carter Terenzini, Town Administrator (absent with prior notice); and Hope K. Kokas, Administrative Assistant.

I. CALL TO ORDER: Jon called the meeting to Order at 7:00 P.M.

II. PLEDGE OF ALLEGIANCE:

III. REVIEW / APPROVAL MINUTES: Joel Made the Motion to approve the June 5, 2014 minutes as written. Russ Seconded the Motion. Jon abstained as he was not in attendance. The Motion carried Unanimously.

IV. CITIZEN INPUT: 1) Joe Cormier pointed out that the Noise Ordinance (#10) and the new Fireworks Ordinance (#22) are in conflict, as each states a different time. Joel asked if they could amend the Noise Ordinance tonight and Jon reminded him that a public hearing was necessary. Hope reported that she discussed this with Carter and he informed her that the newest ordinance supersedes the Noise Ordinance. Jon confirmed this. The Selectmen agreed that this is confusing and the Noise Ordinance needs to be amended to agree with the Fireworks Ordinance. It was the Consensus to schedule a public hearing for the next scheduled meeting, July 3, 2014.

V. NEW BUSINESS:

1. Review for Action: Consent & Signature File:

DATE	DOCUMENT	MAP/LOT#
6/5/14	Abatement – Denied	263-080
6/19/14	Veterans' Tax Credit – Approved 2015	018-024
6/19/14	Administrative Abatement	213-017-000-cg0-093
6/19/14	Administrative Abatement	213-017-000-cg0-020
6/19/14	Administrative Abatement	213-017-000-cg0-021
6/19/14	Administrative Abatement	056-001
6/19/14	Cemetery Deed, Lot #293, Shannon Cemetery	N/A
6/19/14	Letter of Condolence	N/A

Jon read the Consent & Signature File. Joel Made the Motion to approve the Consent & Signature File for June 19, 2014. Russ Seconded. Jon reported that the letter of condolence was to Fire Chief Dave Bengtson and family in the recent loss of his mother. The Motion carried Unanimously.

Jon asked Assessor Gary Karp if he expected additional representation for Camp Quinebargue and Carbonfund.org's request for a charitable exemption. Gary thought that their attorney would be attending. Jon said that once the attorney arrives, they will take the question out of order to allow them to present their case without waiting through the whole meeting.

2. Review for Action: Award of Utility Assessing Contract: Jon reported that in Gary's memo dated June 17th he is recommending accepting the bid from George E. Sansoucy, PE, LLC. Paul reminded the Selectmen about Jerry Hopkin's comment about the NH Electric Cooperative's lawsuit against this company and likelihood of Moultonborough also getting involved in litigation. Gary said that any towns in NH that didn't use DRA's utility assessor were involved in the legal action. Russ said that he was surprised that Mr. Hopkins made the comment, as he is on the NH Electric Cooperative's Board, and he thought it was biased. Joel could see Paul's concern and asked Gary about the result of the lawsuit, and learned that it is still in court. Gary added that DRA's assessed values for utilities are the lowest in the state and expected that this will change. He reminded the Selectmen that we've been using the utility assessments from DRA which results in late filing of the MS-1, not receiving the final values until December, and low assessments. Gary added that he did a statewide analysis, and DRA's values were the lowest. Russ commented that there are only a few utility appraisers. Gary said that he knows of only three qualified appraisers that meet the specifications. Joel asked and Gary confirmed that Sansoucy will back the Town if needed. Joel Made the Motion to accept the Assessor's recommendation and award the bid to George E. Sansoucy, PE, LLC for \$66,000 for a five year contract. Russ Seconded. Hollis Austin expressed concern that taxpayers would be paying for any litigation. Jon said that this would increase the Town's tax base and the utilities would be correctly assessed. He added that the risk of litigation is no more than the risk from any taxpayer. Paul wondered at \$66,000 for 5 years if the benefit was worth the risk. Joel agreed with Jon, adding that you can't "low ball" assessments to reduce the risk. Russ added that he felt it was a conflict of interest for DRA to be assessing, adding that they aren't capable of doing a good job. Jon called for the vote: Russ – Aye, Joel – Aye, Jon – Aye, Paul – Nay. The Motion carried.
3. Review for Action: Launch Request, NHIAA: Jon reported that this is the statewide school competition and is the second year to be held. Joel Made the Motion to approve the Launch Request for the NHIAA, October 2, 2014, Lee's Mills and States Landing, and waive the fee. Paul Seconded and the Motion carried Unanimously.
4. Review for Action: Temporary Use Permit, 1003 Whittier Highway: Russ Made the Motion to approve the Temporary Use Permit for 1003 Whittier Highway, the Zelek Associates Client Appreciation Day, June 27, 2014, contingent on the recommendations of the Police and Fire Chief. Joel Seconded and the Motion carried Unanimously.
5. Review for Action: Time Warner Cable, Renewal of 2017 Cable Franchise: Jon reported that he spoke with Carter about Time Warner's letter to renew the cable franchise and referring it to the upcoming work session of June 26th. There is a legal process that must be followed with public hearings, etc. The Selectmen agreed by Consensus to refer this to their next work session. Jon explained that the franchise agreement will expire for March of 2017 and Time Warner in their letter is giving notice that it seeks to renew the agreement and must follow procedures as set by law. Mr. Cormier commented that the contract will be automatically extended another 5 years unless there are negotiations, adding that this addresses only cable TV. He asked why they are seeking to negotiate

when they are selling to Comcast. Jon reported that Carter spoke with the Town's Attorney who feels that this is outside of his expertise and it would be best to have an attorney who specializes in this kind of law. Jean Beadle said that from her experience, because Time Warner is looking to sell to Comcast, that it will be easier to negotiate, as she was sure that Time Warner's agreement with Comcast requires that they guarantee assets. Russ added that hopefully they will have the information from the Broadband Committee to assist in this process. Mr. Austin asked if the May FCC ruling will be a benefit to the Town. Jon replied that he didn't know. Mr. Austin asked the Selectmen to keep in mind, that when negotiating to remember that they represent the taxpayers. The Selectmen were reminded by the audience of the various items that were promised and not met in the original franchise agreement. Discussion also occurred regarding Moultonborough receiving Portland, ME news versus Boston, FCC requirements, etc.

6. Review for Action: Award of Site Study BRC Recommended Gym Facility Contract: Jon reported that this is the school's architect. Paul said he had a lot of questions and felt that there were items in this contract that were outside of the scope of work. Jon agreed, adding that he too had questions. By Consensus it was agreed to refer this to the upcoming work session. Jon asked that Board members send their questions/concerns to Carter so he can address them at the work session.
7. Review for Action: Temporary Use Permit, 81 Whittier Highway: Jon reported that CruCon will be holding its' employee appreciation day on Friday, the VIP party on Saturday, and Open House on Sunday, June 27, 28 and 29th. Joel Made the Motion to approve the Temporary Use Permit for 81 Whittier Highway, CruCon for June 27th, 28th and 29th contingent upon the Police and Fire Chiefs' recommendations. Paul Seconded and the Motion carried Unanimously.
8. Paul, referring to the Weekly Report, wanted to state for the record that the DPW accepted an Energy Audit, which Scott signed as there was a time element. The cost is \$12,000 with a 50% payback. In addition, Carter reported about holding back on selling tax deeded properties in Suissevale towards negotiations for the States Landing project. Paul said that although these were reported in the weekly, he wanted to be sure that the Selectmen acknowledged them during their business meeting.

VI. OLD BUSINESS:

1. 2014 Charitable Exemption Request, Carbonfund.Org Foundation: Attorney Craig Donais of Donais Law Offices, PLLC introduced himself and Leigh Schwartzer, Camp Quinebarge Director to the Selectmen. Russ told Attorney Donais that his concern is that the IRS 990 only showed one expense for the camp. He added that they are asking the Town to grant an exemption for a corporation that is based out of Baltimore, MD, for a camp in Moultonborough. Attorney Donais told the Selectmen that Carbonfund.Org has met the four prong test to be considered a charitable non-profit organization as set by law. He added that it isn't a membership organization, they depend on donations, and it is for charitable purposes. The camp is a new program and its' goal is for outreach. Attorney Donais said that for the 2015 exemption year they will provide a more thorough financial statement for the camp. The cost to run the camp exceeds what they receive from the campers and is being paid by Carbonfund.org. He reported that 10 out of 136 scholarships are given to regional campers. Camp Director Leigh Schwartzer said that Camp Quinebarge started in 1936 and is a traditional summer camp. The Nature Environment Program, which was started by her grandfather is mandatory for all campers

to attend, as their mission is on the environment. Joel said that he will vote in favor, but asked that more information be provided for next year. Attorney Donais recognized that this was a problem, as Carbonfund.org purchased the property in December of 2012 and there wasn't much to report for the 2012 IRS 990. Jon thanked Attorney Donais and Ms. Schwartz for attending. He added that he felt they met the legal criteria and they can't judge the non-profit status based on the political aspect. Russ asked if Carbonfund.org would consider a PILOT and learned that they were amenable to this. Paul agreed with Jon, but was concerned about the lost tax revenue of \$30,000. Hope informed the Selectmen that figure was incorrect and the yearly taxes were approximately \$9,000. Joel Made the Motion to approve the 2014 Charitable Exemption for Carbonfund.org Foundation. Paul Seconded. The Motion carried Unanimously.

2. Gravel Tax, Map 141 Lot 011: Russ said he is satisfied based on the added information Gary provided which included the RSA. He still feels that the gravel tax is a penalty for building a commercial structure. He thought that perhaps they should contact Representative Karel Crawford to repeal the law. Jon said that the intent is to tax large extractions. Mr. Austin asked if this was double taxation. Joel thought the engineer knew right from the beginning what needed to be removed and this was taken into account when he submitted his costs. Jon read the RSA, stating that there were over 5 exemptions to the tax, and taxation takes place when over 1,000 cubic yards are removed from the property. Mr. Cormier thought it was a poorly worded statute. Mr. Austin agreed and thought that the Legislature should correct it. Paul Made the Motion to approve the gravel tax for Map 141 Lot 011. Russ Seconded and the Motion carried Unanimously.

VII. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: 1) Paul said that the CIPC met today and Chair Richard Brown submitted his resignation as of June 30th. Jordan Prouty was appointed as the new Chairman. Based on the CIPC's request to the Selectmen, Paul Made the Motion to appoint Bob Goffredo as a member to fill Richard Brown's term. Russ Seconded and the Motion carried Unanimously. 2) Joel reported that at the Heritage Commission meeting, Cristina Ashjian doesn't have the time to commit to the Village Vision and as no one from Heritage will be represented on the committee, they are asking that their name be removed. 3) Paul said that he attended the Village Vision in place of Chris, and they made good progress, but are still in need of volunteers. 4) Russ reported that he, Josh Bartlett and Scott Bartlett of the Planning Board will be sending a letter to Town stakeholders, inviting them to attend meetings in July and August to talk about the 2nd and 3rd chapters of the Master Plan regarding land use and transportation.
2. Board of Library Trustees Minutes, May 8 & June 5, 2014: Acknowledged. Russ said the meeting on June 5th was good and he presented what the Selectmen are doing and learned what the Board of Library Trustees are doing. A copy of their employee evaluation and review process was received and he will get copies to Board members and Carter.
3. Milfoil Committee Minutes, May 27, 2014: Acknowledged.
4. Zoning Board of Adjustment Minutes, June 4, 2014: Acknowledged.
5. Planning Board Minutes, June 11, 2014: Acknowledged.
6. Joel reported that there is a car for sale located at Sutherland Park and it needs to be removed. Jon said he would follow-up on this with Chief Wetherbee.

VIII. CORRESPONDENCE:

1. Amy Begnoche, UNH T2 Center, William Dow, Andrew Wolanek, Wallace Daigneau, & James Nave, Roads Scholar Program Achievements: Jon reported that the Selectmen received a letter for each Highway employee on their achievements in the UNH T2 program, and being awarded either the third or fourth achievement level as a Master Roads Scholar. The Selectmen were pleased at the extra effort these employees have put forth in order to achieve these levels and congratulated them all.
2. Time Warner Cable, May 21 & June 4, 2014, Possible Program Changes: Jon reported this is their usual letter.
3. Bob Traibman, May 29, 2014, Shannon Cemetery: Jon said that he received an email from Mr. Traibman regarding the items left at Shannon Cemetery and also a photo displaying red white and blue balloons on a headstone. He added that the balloons have since been removed. They will work on the Cemetery Ordinance at their next work session.
4. John F. Paster, June 5, 2014, Broadband Initiative: Jon reported that Mr. Paster's letter dealt with the Town's initiative on Broadband. The Selectmen agreed that Carter's draft letter was fine to send out.
5. Beverly Nelson, June 9, 2014, Volunteer Application: Jon reported that Ms. Nelson has volunteered her services in addition to being on the Milfoil Committee. Russ Made the Motion to appoint Beverly Nelson as an alternate to the Village Vision Committee to fill the term of the late Jim Zelek. Paul Seconded and the Motion carried Unanimously.
6. Don Muscavitz, Jr., June 16, 2014, Resignation from Village Vision Committee: The Selectmen accepted Mr. Muscavitz' resignation with regret but understood that summer is his busy time for his business.

IX. CITIZEN INPUT: 1) None.

X. NON-PUBLIC SESSION: Paul Made the Motion for the Selectmen to go into Non-Public Session per 91-A:3 II (e) and only to reconvene for the purposes of adjournment. Joel Seconded. A roll call was taken: Paul – Aye; Russ – Aye; Jon- Aye; Joel – Aye. The Selectmen went into Non-Public Session at 8:39 p.m.

The Board exited Non-Public Session at 8:54 p.m. having voted by a vote of 2/3 or greater of the members present to seal the minutes until the claim or litigation has been fully adjudicated or otherwise settled.

**XI. ADJOURNMENT: Paul Made the Motion to Adjourn. Joel Seconded. Motion Carried Unanimously
Jon adjourned the meeting at 8:55 p.m.**

Approved

Date
Respectfully Submitted
Hope K. Kokas