

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

Selectmen's Meeting

August 21, 2014

MINUTES

Present: Selectmen: Jonathan W. Tolman, Chair, 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: Jon called the meeting to Order at 7:00 P.M.

II. PLEDGE OF ALLEGIANCE:

III. REVIEW / APPROVAL MINUTES: Paul asked to amend the minutes of August 7, 2014, page 2, New Business #2, 5) to regarding Nancy Wright and her involvement with the Pickle Ball program, striking *her* and inserting *Recreation Department's*. Also on page 2, New Business #2, bottom of the page where Paul said that we need to own this, striking *as we are involved* and replacing it with *in the same manner as the Blue Ribbon Committee's Facilities...* Jon asked that the typographical error be corrected in the Non-Public Minutes of August 7, 2014. Paul Made the Motion to approve the August 6, 2014 and August 7, 2014 Public & Non-Public minutes as Amended. Russ Seconded the Motion. The Motion carried Unanimously.

IV. CITIZEN INPUT: 1) None.

V. NEW BUSINESS:

1. Review for Action: Consent & Signature File:

DATE	DOCUMENT	MAP/LOT#
8/21/14	Disposal Agreement	079-013
8/21/14	Disposal Agreement	177-010
8/21/14	Disposal Agreement	215-011
8/21/14	2014 Charitable Exemption, Huggins Hospital	052-013
8/21/14	Cemetery Deed, Shannon Cemetery Lot #140	N/A
8/21/14	Cemetery Deed, Shannon Cemetery Lot #217	N/A

Jon read the Consent & Signature File. Joel Made the Motion to approve the Consent & Signature File for August 21, 2014. Chris Seconded. The Motion carried Unanimously.

2. Review for Action: 2014 Investment Policy: Carter reported that it is required by statute that the investment policy be reviewed annually. Finance Director Heidi Davis, financial contractor Nancy Woods, and the Town Treasurer have reviewed it. The only change is the date to 2014. Paul asked if the Treasurer has any material interest regarding her position with the Town and her employment. Carter didn't think this was the case as she isn't an officer at the bank, but she is still subject to disclosure as of October 1, 2014. Russ added that the Treasurer is an elected position. The Selectmen agreed that the Treasurer should complete the disclosure statement. Russ Made the Motion to adopt the 2014 Investment Policy as written. Joel Seconded and the Motion carried Unanimously.

3. Review for Action: Disclosure of an Actual or Appearance of Conflict (Form #1): Jon reported that the Code Enforcement Officer, Don Cahoon has submitted form #1 as it may appear to be a conflict when he approves permits and inspects construction done by Don's two brothers or Jon himself. Jon recused himself from the Board, stepping down. Joel acting as Chair, stated that he too must recuse himself as Don has approved building permits and inspected construction for him as well. Joel recused himself and stepped down from the Board. Chris and Paul asked Russ to act as Chair. Russ asked Carter how far back would Don had to have done the same for any Board member before they too would have to be recused as he also had projects approved and inspected by Don. Carter asked and learned that this had been more than 5 years ago. Carter thought this was more than a sufficient gap of time. Paul asked if Don doesn't approve/inspect for Jon and Joel, who would. Russ said that the Center Harbor CEO performs inspections for Don in his absence and asked if he could issue building permits and perform inspections for any Board member. Carter thought that given the Chair and Vice Chair as Board members are responsible for matters of discipline and pay and they have resolved this by stating they intend to recuse themselves on such matters, then they could request the Center Harbor CEO to stand in for Don on matters relating to his two brothers, or state that the financial interest is not substantial enough as to raise concern. Chris felt that the perception was the problem. Paul Made the Motion to determine that it could be *perceived* that the financial interest is substantial enough that it may be deemed likely to affect the integrity of the services which the municipality may expect from the employee or officer, due to Don's comment that he inspects his brothers' work, as well as Jon and Joel's, and in the future arrangements will be made to have the Center Harbor Code Enforcement Officer act as an Alternate Moultonborough Code Enforcement Officer for permitting and inspections. Russ Seconded, but added that this doesn't mean that Don Cahoon has acted improperly, or that any Board member has or would apply pressure on the Code Enforcement Officer. Chris agreed, but said that someone from the outside might perceive this as a conflict of interest. The Motion carried Unanimously. Jon and Joel returned to the Board.
4. Review for Action: Draft, Advisory Budget Committee, Charge & Composition: Carter reported that Chair of the ABC, Jean Beadle along with Superintendent, Susan Noyes have both reviewed the changes. He informed the Selectmen that in 2011 there was a verbal agreement to make the at large terms to 3 years, but this was never changed in the charge. Paul asked and Carter confirmed that the biggest change was to the CBA's agreements. Chris asked if it was necessary for the ABC to vote on all Town Warrant questions or just budgetary ones. The ABC's charge states that they will comment on all. Russ says that the RSA's require that the Selectmen must vote to recommend on all money articles. Paul Made the Motion to approve the amended Advisory Budget Committee Charge and Composition and authorize the Chair to sign it upon the School Board's ratification. Jean Beadle stated that the ABC acts at the Board's pleasure, however she felt that every question on the warrant has a monetary impact. Joel Seconded the Motion. Joe Cormier said that the statute says budgetary questions. Jon reminded everyone that the ABC is advisory only. The Motion carried 3-2, Chris and Russ voted no.
5. Review for Action: Draft, Scope of Work Gym Facility Needs & Feasibility Study: Carter said this was the 5th draft. It followed the distribution of information on prior projects by the two individuals, and a circulation for various comments. He thought all of the "gaps" had been closed except those noted in his TA report. He asked Paul to

Paul said that they've now identified the stakeholders. He asked Carter to remove the phrase "doubting minds", as it appears to be editorializing. Paul spoke about the survey and the question about the property owners' mailing list and if it can be merged with the voters list. Carter replied that he will check again with the Town Clerk and Tax Collector. The Town Clerk has told him that the voters' checklist is not available in an Excel format or any format to merge with the property owners list. Paul asked the Board to consider making the focus groups open to the public. He added that he doesn't think having these groups in an open meeting will prevent them from speaking or expressing their opinion. Jon said that he hears this from people all the time. They don't want to speak in front of a big audience, be recorded or videoed. Carter reminded everyone that there will be open discussion meetings for the public to attend and the Town will have observers from its team sit in. Russ thought that the focus group couldn't function if the public is allowed to speak. Jon said that there will be open sessions for feedback and asked the Board to decide whether the focus groups will be open meetings or closed. Carter said that the consultants from UNH advised to not hold the groups in open meetings, but to have member(s) from the Board and School Board attend. Paul asked if this advice was in writing. He added that the Board did ask to be carbon copied on all emails and correspondence in order to stay informed. Carter said that he didn't have it on hand, but would check. He told the Selectmen that they asked the consultants to come up with a process and this is their recommendation. Jon said that the purpose of the focus groups is to allow people to speak their mind. Paul countered that regardless of their decision to hold this open or closed, there will be distrust. Russ said he felt that if the public is allowed to speak, it will get out of control. While he is in favor of holding open meetings, he felt that they must be allowed to get their work done. Chris felt that people can be intimidated by a large audience and cameras. Joel said he can see both sides, but they must be able to control the meeting. Jon said that the purpose of the focus group is not a hearing, but to get the opinions of a small group of people. Bud Heinrich said that having it in an open meeting would preserve transparency. Jean Beadle said that many people won't speak in front of a camera, including business owners. Chris felt and Joel agreed, that the Selectman's job was to make this as neutral as possible. Jon asked that each Board member state their position: Jon – closed, Joel – closed, Russ – closed, Chris – closed, Paul – open. Paul then asked the Board to consider having observers that are on both sides of the question be members of the "Town Team". He suggested having the School Superintendent be the team leader versus the Town Administrator. Chris asked what the purpose of this is. Jon said that the focus groups will have a member of the Selectmen attend and thought that the Superintendent could be included. Carter said that it was recommended that at least one member of the Team attend and no more than two. Paul asked why any Selectman couldn't attend. Carter replied that if there were just one or two, then they would have the background of what had been going on as opposed to various members attending when they could. Russ spoke in support of the Town Administrator acting as the Team leader, and he would be used only as a sounding board. The Board debated the pros and cons and the perception of having the Town Administrator act as Team leader. Joel commented that no matter what Carter does or doesn't do, he will be wrongly accused, as he has in the past. Chris, Russ and Jon said that they were in favor of inviting and adding the Superintendent as a team member. Jon asked Paul if he wants a member of the Board to be the Team Leader. Russ felt that the Selectmen don't have the time to devote to this, doing the correspondence and

paperwork, as they all work for a living. Jon clarified his question to Paul, asking if he wants a Board member to be the team leader and have Carter do the “leg work”. Chris, Russ, and Joel want the Town Administrator to be the team leader. Joel suggested that he would be the alternate Selectman to the Team and asked Paul if he wanted to be the team member. Paul said he would. Carter said he will invite Superintendent Susan Noyes to be on the team. Russ asked that the draft strike the no more than 2 Selectmen attend and change it to 1. Mr. Heinrich asked about the survey and if they could include the use of the Taylor property on it. Jon said that this is part of the Village Vision process. Carter cautioned over inundating people with surveys. Mr. Cormier commented on the inaccuracy of the headline in this week’s *Meredith News*. Paul Made the Motion to approve the Scope of Work for the Gym Facility Needs & Feasibility Study with the changes agreed upon, authorizing the Chair to sign it with a budget of \$5,500 from the contingency account. Chris Seconded and the Motion carried Unanimously. Discussion then occurred about the survey. Carter said that there will be a notice posted on the Town’s website with paper copies available which can be either picked up or requested on the telephone with a return self-addressed and stamped envelope. Mr. Heinrich asked if the survey would be mailed to everyone. Jon said a postcard will be mailed to everyone informing them of the survey and how to obtain it. Mr. Heinrich said that the survey should be mailed to all as it is important considering that the project could cost \$6 million. Joel questioned the \$6 million figure Mr. Heinrich used, as he felt it was an arbitrary number without any facts. Mr. Cormier agreed with Mr. Heinrich and thought based on the square footage discussed that the cost could in fact be close to \$6 million. Jon replied that nothing is known yet, not the square footage or cost. Russ agreed with Jon saying that the Selectmen are not giving any hard facts until they know for sure what is being proposed.

6. Review for Action: Temporary Use Permit, Static Car Show, Castle in the Clouds: Joel Made the Motion to approve the Temporary Use Permit for the Static Car Show to be held at the Castle In the Clouds on September 7, 2014, 11 a.m. to 4 p.m., based on the recommendation of Police Chief Wetherbee, “...they [applicant] are advised as part of the permit that if circumstances arise whether the Police Department either needs to station a duty officer at that location for traffic or assign a last minute detail that the applicant will reimburse the Town”, and authorizing the Chair to sign. Chris Seconded and the Motion carried Unanimously.

VI. OLD BUSINESS:

1. Linda Murray, August 1, 2014, Volunteer to Serve Your Town: Carter reminded the Selectmen that at the Joint Selectmen and School Board meeting of August 12, 2014, that Ms. Murray was appointed to the Advisory Budget Committee as an Alternate. Russ asked Jean Beadle, Chair of the ABC if she’s spoken with Ms. Murray. Jean said she had. Russ said that he feels the Board should have that opportunity also.
2. Jon reported that the Selectmen received a letter of commendation for WMF staff Ken Filpula from a patron of the Transfer Station. The patron had inadvertently dropped some money while at the Transfer Station and Ken found it and returned it to the patron when he returned. The Selectmen agreed that they have had many positive comments on Ken’s job performance.
3. Jon reported that the Town had received a Notice of Decision on the Wallace vs Town of Moultonborough and the court again found in the Town’s favor.

4. Jon reported that the Town has received a Notice of Appeal on the Zoning Board of Adjustment's denial of the variance for the Zaremba Program Development, LLC on behalf of Dollar General.

VII. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: 1) Paul reported that the Public Hearing for the 5 year project proposal will be held on August 28th at the Library. He forwarded a comment about the meeting room chairs and the need for them to be cleaned or replaced. Carter said he would check into it.
2. Trustees of the Trust Funds Minutes, July 31, 2014 & August 5, 2014: Acknowledged.
3. Zoning Board of Adjustment Minutes, August 6, 2014: Acknowledged.
4. Planning Board Minutes, August 13, 2014: Acknowledged.
5. Jon asked Carter when the joint Center Harbor and Moultonborough Selectmen's meeting would be held. Carter said that he hasn't set this up yet, but will request that the Selectmen meet in Center Harbor on September 10th.

VIII. CORRESPONDENCE: None.

- IX. CITIZEN INPUT:** 1) Hollis Austin asked how they would control who and how many times a person takes the survey on-line. He is concerned that one person might submit more than one survey. Carter reported that UNH has a survey tool that could be used or the Town's survey tool could be used. It can be locked down by the IP address or by the computer or not at all. If the IP address is used, then that shuts down a whole building. Typically it is locked down by the computer. Carter added that this isn't a scientific survey, and this will be discussed by the team. He reminded Mr. Austin that multiple paper copies of the survey can be submitted by one individual also. Mr. Austin spoke to the perception, stating that he has seen the same people attend meetings on this project, some for and some against, and it isn't just those who are against it. Russ replied that he has faith in the voters and they will tell the Board at Town Meeting what they want and how much they want to spend. Mr. Heinrich disagreed, citing the Sidewalk vote. Russ said that it was pretty much a 50/50 split and that is OK too.

- X. NON-PUBLIC SESSION:** Joel Made the Motion for the Selectmen to go into Non-Public Session per 91-A:3 II reputation (c) and litigation (e) and only to reconvene for the purposes of adjournment. Chris Seconded. A roll call was taken: Paul – Aye; Russ – Aye; Chris – Aye; Joel – Aye; Jon- Aye. The Selectmen went into Non-Public Session at 8:44 p.m.

The Board exited Non-Public Session at 10:13 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 adversely affect the reputation of a person other than a member of the public body itself (c) or render the proposed action ineffective (e), until in the opinion of a majority of the members, the aforesaid circumstances no longer apply.

- XI. ADJOURNMENT:** Paul Made the Motion to Adjourn. Chris Seconded.
Motion Carried Unanimously
Jon adjourned the meeting at 10:14 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant

Draft