

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

Selectmen's Meeting

September 18, 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; 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 August 28, 2014, September 4, 2014, September 11, 2014 (2), Public & Non-Public as written. Paul Seconded the Motion, but asked to amend the Non-Public minutes of September 11th, to read *Jon and Paul were requested...* The Motion carried Unanimously.
- IV. **CITIZEN INPUT:** 1) Joe Cormier, asked for clarification regarding voluntary mergers and the Planning Board's process. Jon said that he'd talked to the Town Planner, Bruce Woodruff about this and learned that the property owner has the right to merge his property. The Planning Board's role is procedural with a one page form. The purpose of the form is to insure that the property owner is aware, that by merging the lots, the one lot will be subject to the current zoning ordinances and any grandfathering goes away. In addition, it is notice to the Assessor that the parcels have been merged for tax purposes. Mr. Cormier, referring to the recently passed Fireworks Ordinance and the Noise Ordinance, asked if the Selectmen can legally change ordinances. Jon replied that Carter has recently researched this question. The RSA's language says that ordinances are vested in the town, which many towns have read that to mean Selectmen. However, this is incorrect and they have learned that it refers to the legislative body, or approval at Town Meeting. There are a number of ordinances that were adopted by past Selectmen that required Town Meeting approval. The Fireworks Ordinance was legally approved at Town Meeting. The Board is in the process of analyzing what is OK and what needs re-ratification and changes, and these will be on the warrant for Town Meeting. 2) Bob Goffredo reported that the Community Garden site has been renewed at no cost to the Town. 3) Hollis Austin reported that Representative Glenn Cordelli held a meeting at the Public Safety Building this past Tuesday regarding promoting and attracting businesses to towns. He recommended people watch the video as it was very informative and with good ideas. Jon added that the Moultonborough Board met with Center Harbor's Board of Selectmen last night and this was also a topic of conversation. Center Harbor is looking for contacts around the town line area to promote the area and their attractions. Towns can act as facilitators towards this. Mr. Austin said that Representative Cordelli is aware of the shifting demographics and the young people leaving towns like Moultonborough for good paying jobs elsewhere.

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

DATE	DOCUMENT	MAP/LOT#
9/18/14	2014 Net Taxable Values	N/A
9/18/14	BTLA Case #26914-12PT	171-008
9/18/14	Certification of Yield Taxes Assessed	089-001-001
9/18/14	Certification of Yield Taxes Assessed	014-005

Jon read the Consent & Signature File. Joel Made the Motion to approve the Consent & Signature File for September 18, 2014. Jon Seconded. The Motion carried Unanimously. Jon informed everyone that Chris had to work tonight, manning the Weirs Beach Fire Station.

2. Presentation: Capital Improvement Program Committee 2015-2020 Report: Jordan Prouty, Chair of the CIPC provided the Selectmen with a summary of the CIPC Report that had been previously submitted to the Selectmen. Mr. Prouty stated that the CIPC process began April 3rd and concluded after a public hearing held on August 28th. In his summary report, which he read to the Selectmen, he stated that approximately \$13,009,614 of capital improvement projects have been planned by Town departments over the next 6 years. For the 2015 year, the departments have requested funding of \$1,745,636 for 13 capital projects. Out of the 13 projects, the CIPC is recommending funding \$1,589,636 for 9 capital projects for 2015, and not recommending funding for 4 projects. If implemented this would reduce the total amount of the six year program to \$10,816,114. Last year's report total was \$9,257,676. Mr. Prouty briefly explained the ranking. He stated that the CIPC is concerned about the planned Capital Requests for 2016 which are a 71.62% increase over the approved 2014 year Capital Expense. Per the order creating a Capital Improvements Program Committee Charge and Composition, they requested that the Board of Selectmen advise the CIPC whether it accepts the report and what they will submit for funding requests for the coming fiscal year budget within 90 days of their receipt of the report. Mr. Prouty said that the CIPC has met weekly for five months, meeting with department heads, ranking the projects, often with heated discussion. He thanked all of the members for their commitment and hard work. Alan Ballard, the ABC representative to the CIPC, thanked Mr. Prouty for "volunteering" to chair the committee upon Richard Brown's resignation, adding that he did a commendable job. Mr. Ballard said that former Chair Richard Brown and Peter Jensen were responsible for developing much of the process and report. Jon concurred, adding that Town Planner Bruce Woodruff has committed a lot of his time and expertise, along with minute taking and clerical duties. The Selectmen thanked Mr. Prouty for his presentation and all of the members of the CIPC for their efforts in this process. He suggested and the Selectmen agreed that the CIPC report will be a topic for their upcoming work session and once thoroughly reviewed, the Selectmen will officially accept it. Paul, the Selectmen's representative, felt it important to look at the 2016 year with a 71% increase. Josh Bartlett volunteered to attend the Selectmen's work session if that would be helpful to them. Jon thanked him for the offer and felt that Paul would be very helpful in this process as well.
3. Presentation: Conservation Commission, Lee's Pond Preserve: Jim Nelson, member of the Conservation Commission summarized the commission's memo that was addressed to the Selectmen, explaining their interest in preserving and protecting a 37 acre parcel (map 76 lot 4) located on Route 25, adjacent to the Red Hill River and Lee's Pond. This

parcel which was included in an overall 76 acre area designated in 2007 by the Natural Resource Inventory conducted by the Town as a high priority area for conservation. The commission is in the beginning steps of the project and has researched the title, and is now investigating funding sources. Paul asked if they were considering private funding, adding that he couldn't support adding this expense to the budget. Mr. Nelson replied that they are looking at funding sources and how to raise donations. Russ said that he's been involved in purchases of conservation land through the appraisal process. He suggested that the commission approach the Lakes Region Conservation Trust and Squam Lakes Conservation Trust. He felt it was a worthwhile effort, but couldn't recall the Town every funding this kind of project. Jon agreed that it is a worthwhile effort and he shares Paul's opinion about not burdening the taxpayers with the cost. He thanked the commission for keeping the Board informed, as they are in the initial stages.

4. Presentation: CGI Videos: Carter reported that about 18 months ago, the Board discussed creating a series of videos to promote the Town. For the past 6 weeks Jon has been involved in the actual shooting of the videos. Recently the videos have been put up on the web as a first cut, and quickly they had to revise the home page to reduce the amount of physical space taken. There are 3 segments which consist of Welcome, Schools, and Recreation. The advertisers pay CGI for space which means there is no cost to the Town. Russ asked what it cost to advertise and learned from Carter that it depended on how much space, etc. Paul asked if there were requirements/restrictions to who could advertise. Carter said that there were, and he would get them for him. The Selectmen heard from members of the audience who have viewed the videos and learned that some had difficulty with the video while others had problems with the video freezing, or tablets not being able to handle them. Paul asked about the contract expiration for EZstream. Carter replied that it is due for renewal in October to complete the two years we had promised to them given their start-up costs. Paul thought that we should consider other vendors.
5. Review for Action: 2014-2015 Winter Maintenance Equipment Rates: Carter explained that in Scott Kinmond's memo, this is a 2% increase. Joel asked why mowing is in the winter rates and why the increase from \$39.78 to \$50. Carter replied that the mower rate at \$50 was approved by the Selectmen in the spring. He thought that the inclusion of the mowing was a "copy and paste" issue. Paul asked for the reason of the increase. Carter said that primarily it is due to labor rates, and the Town's previous rates had been low. Jon agreed that it was hard to get plow drivers, particularly given the Town's requirement that there be workers compensation and insurance. He added that most contractors are not interested in this kind of work, but landscape companies will contract with the Town to keep staff working and to utilize their equipment in the winter. Joel Made the Motion to approve the 2014-2015 Winter Maintenance Equipment Rates without the mower rates. Russ Seconded and the Motion carried Unanimously.
6. Review for Action: ABC's 2nd Quarterly Report & Administration Response: Jon reported that basically the ABC had no concerns and had their questions answered by Heidi and Carter. Carter said that he will provide an explanation about the transfer from the Recreation Revolving Fund which occurs twice a year, same as the trust accounts. Russ asked if there is a sunset on this fund. Jon thought it shouldn't zero out. Carter recalled that the target was to keep it at \$50,000. Paul thought that this was good information to give UNH for the feasibility study. Russ Made the Motion to accept the ABC's quarterly report. Paul seconded. The Motion carried Unanimously.

7. Review for Action: Selectmen's Vision Statement: Jon questioned the comma in #4 after fair. It was pointed out by Paul that the comma was added on Jon's suggestion. They all agreed that the comma wasn't necessary and this is the only edit needed. Jon Made the Motion and Joel Seconded to approve the statement with the one edit. Paul asked and learned from Carter that once the Vision Statement is signed it will be posted on the Town's website.
8. Review for Action: Request to Assign Lease, 4 Whittier Highway (Map 170 Lot 002): Russ thought that the proposal made by the interested buyer of the building was generous. Carter explained that the Town owns the land, with lakefront, which sits on the town line, and leases it to the owner of the building. In addition to the building, there is also an easement for the pump owned by Bay Sewer, and a water easement from the old laundromat across the street. In addition to that, the canoe/kayak shop which has a small strip to the lake, uses the frontage for launching, and it is also public access to the lake. Carter said that about 1/3 of the lot is leased to the building owner. The problem has existed that the building owner has not been in compliance regarding the site plan, which he thought was mainly a parking issue. He added that the Selectmen can assign the current lease which is due to expire in 2031. However the buyer is requesting that the lease be extended which would require that it be approved at Town Meeting. Carter felt that in order to go forward with what is proposed, that the present property owner needs to have the site plan brought into compliance. He also thought that they should consider increasing the cost of the lease which he thought was low. Paul asked why the Town doesn't just sell the land. Carter replied that it is encumbered by the lease and easements, and another business uses it for lake access, and it is used for public access. Based on all of that he feels the value wouldn't be very high. Paul agreed that the lease should be increased and first a new site plan should be done. Carter said that he would have the Town Planner contact the lessee regarding the site plan. He added that the Town should do its due diligence, financial and background checks on the proposed buyer/lessee. Jon Made the Motion to authorize the Town Administrator and Town Planner to inform the proposed buyer/lessee of the site plan requirement and credit checks, and based on that the Board is favorable to the transfer. Paul Seconded the Motion. The Motion carried Unanimously.
9. Review for Action: LRPC FY 2016 Municipal Appropriations: Paul reported that the upcoming September 29th meeting is to approve the cost to the Towns, which is a 2.1% increase. The formula used is based on the 2010 census and property values. The 2014 Moultonborough values are now approximately \$2 million less compared to 2010. He added that he doesn't feel that this is a fair assessment. He told the Selectmen that he wants to vote 'No'. Jon reported that he talked with Bruce and learned that not all planning commissions use the same formulas and there are more equitable ways to do this. He added that it wasn't a question of getting the value from LRPC, but the principal of how the Town is assessed for the service. Paul commented that if the Town isn't a member of the planning commission, then we lose out on grant funding opportunities. Russ Made the Motion to vote no on the LRPC FY 2016 Municipal Appropriations. Paul Seconded and the Motion carried Unanimously.

VI. OLD BUSINESS:

1. 2015-2016 Legislative Policy Conference: Carter reported that the comments he received and reported on his weekly report were from Paul on Action Policy Recommendations 1,

5, and 22 and the Floor Policy Proposal from Hinsdale. Paul said his concern for #1, regarding the Right to Know Costs and Specificity Required, is that the Town charges .50 per copy page and the cost of labor to do the research/find the document which can prohibit people from making the document request. Russ said that the research and copying takes up staff time and takes them away from serving taxpayers. He added that you need to treat everyone the same. Carter commented that not all states handle this the same. Russ said the language used in the proposed bill is “allowing” and not shall/must. Russ and Joel are in favor of the bill. Jon and Paul are against. Paul said he would be in favor if there was some specificity in the cost. It was thought more might be learned at the meeting, but Carter was not given a specific instruction. #5 Consultation with Counsel Expansion under RSA 91-A: Jon, Paul and Joel agreed that a letter from the Town Attorney did not make that exempt. Russ disagreed. Carter is to vote “no”. #22 Municipal Recreation Programs: The Selectmen were all opposed to continued exemptions from state child care licensing for municipal recreation department programs and Carter is to vote “no”. Regarding the Floor Proposal for RSA 41:18 requiring towns to have a deputy town clerk, the Selectmen noted that the wording was “shall” instead of “may” and they were all opposed, asking Carter to vote no. #13 Blue Lights on Fire Department Vehicles, the Selectmen asked Carter to vote “no”. #11 Building Plans Under 91-A, to make them exempt from RSA 91-A:5, IV: The Selectmen are in favor and asked Carter to vote “yes”. Under Standing Policy Recommendations #15 Downshifting of State Costs and State Revenue Structure, Joel said that especially with state retirement, this has been a huge cost to the Town. The Selectmen all agreed and asked Carter to vote “yes”. Carter asked the Selectmen to contact him if they have any others.

2. Application to Restore Involuntarily Merged Lot, MBLU 044-025: Carter explained that Bruce and Town Counsel reviewed this. As long as the restored lots have the same owner, there isn't a problem and the site plan would remain valid. It is important that this be noted, advising caution, that if the lots are sold, then the site plan could be invalid. Carter reminded the Board that they can deny the application. Joel Made the Motion to approve the restoration of the involuntarily merged lots as detailed in the Town Planner's memo dated August 28, 2014, and to state in the Selectmen's letter of approval that if the lots for parking and well water are sold, then the site plan is invalid, and in addition there is no guaranty that the unmerged lots are buildable. Russ Seconded and the Motion carried Unanimously. Joe Cormier reminded the Selectmen that property owners have until 2016 to restore involuntarily merged lots.

VII. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: 1) Paul reported that the first meeting of the joint Selectmen and School Board subcommittee will be on Wednesday, September 24th, 10 a.m. at Town Hall. 2) Carter asked the Selectmen to consider dates for the Convention of Committee meeting to be held. It was decided to schedule it for Thursday October 30th, 7 p.m. The location selections in order of preference are #1 Lions Club; #2 Moultonborough Academy cafeteria; and #3 Public Safety Building. 3) Russ reported that the Planning Board has only a few zoning ordinances for the Town Warrant, which are housekeeping items.
2. Advisory Budget Committee Minutes, March 14, 2014, August 5, 2014, Sept. 2, 2014: Russ asked about the ABC's minutes of September 2nd, in particular the committee going

into Non-Public Session to discuss the school union's contract. He asked why the ABC was privy to CGA negotiations, which isn't their charge. Paul agreed, adding he heard that the School Board asked them to review/comment on it. He too questioned if the ABC should have this information. Carter thought that this was an issue pertaining to the School Board's request of the ABC. Discussion took place about ABC's role and their not being part of the CBA, and the purview of the School Board to ask the ABC to comment. Paul asked and the Selectmen agreed to have Carter ask the ABC chair the reason that they went into Non-Public Session. Acknowledged.

3. Planning Board Minutes, September 10, 2014: Acknowledged.

VIII. CORRESPONDENCE:

1. Time Warner Cable, Possible Program Changes, August 20, 2014 & September 3, 2014: Jon reported that this was their usual letter.

IX. CITIZEN INPUT: 1) Hollis Austin encouraged everyone to view the video of the business meeting that was presented by Rep. Cordelli. In addition there will be a business development resource fair next Tuesday in Laconia.

X. NON-PUBLIC SESSION: Joel Made the Motion to go into Non-Public Session per RSA 91-A:3 II (c) (Reputation) and to come out of Non-Public for the single purpose of adjourning. Russ Seconded. A roll call was taken: Paul – Aye; Russ – Aye; Joel – Aye; Jon – Aye. The Selectmen went into Non-Public Session at 9:25 p.m.

The Board re-entered Public Session at 9:48 p.m. having sealed the minutes by greater than a 2/3 vote as divulgence of the information discussed likely would adversely affect the reputation of a person other than a member of the public body itself until, in the opinion of a majority of the members, the aforesaid circumstances no longer apply.

XI. ADJOURNMENT: Joel Made the Motion to Adjourn. Paul Seconded.
Motion Carried Unanimously
Jon adjourned the meeting at 9:49 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas