

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

Selectmen's Meeting

October 16, 2014

**MINUTES**

Selectmen: Jonathan W. Tolman, Chairman; Joel R. Mudgett, Paul T. Punturieri, Christopher P. Shipp, Russell C. Wakefield and Carter Terenzini, Town Administrator; 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 Minutes of September 25, 2014, October 2, 2014 and October 9, 2014 as written. Russ Seconded the Motion. The Motion was carried Unanimously.
- IV. CITIZEN INPUT:** 1) Joe Cormier, referring to the 2013 Annual Report noted that there were a number of Town owned properties, 9 of which are islands, lots in Suissevale, etc., and asked what the Town's intent was. Russ replied that the Town must follow state statutes, and has 3 years or 10 years to sell tax deeded properties, depending on the title. He added that the Town tries to sell these parcels as soon as legally possible. Carter added that those properties listed with an asterisk (\*) next to them, identify are being actively used for Town purposes or reserved by a vote at Town Meeting for conservation or highway purposes. He said that the Selectmen discussed this about 18 months ago, and those tax deeded properties with known owners can be sold after a 3 year period, after public hearings have been held. Those properties with unknown owners or with other possible legal issues, are held for a 10 year period. Jon asked and Carter said he would try, depending on available space, to include the sale eligibility in the Town Report. 2) Hollis Austin asked who pays taxes on Town owned land and learned that these properties are exempt from taxation. Joel commented that they've had little luck trying to sell Suissevale lots, offering them first to abutters under the condition that they merge the two abutting lots. 3) Mr. Cormier felt that the public needs to know about these properties and if they are suitable for recreational use. Tax Collector Susette Remson informed him that the voters at Town Meeting decide if tax deeded parcels are to be held for Town use. 4) Mr. Austin asked how a conservation easement effects property value and learned that it is assessed under Current Use. Mr. Austin commented about the two political candidates that spoke at a recent Selectmen's meeting, which he thought was a significant exchange and an opportunity for the public to ask questions.
- V. NEW BUSINESS**

1. Review for Action: Consent & Signature File:

DATE	DOCUMENT	MAP/LOT#
10/16/14	Cease and Desist Order	195-012
10/16/14	Application for Construction of Driveways	103-002
10/16/14	Warrant for Upcoming Elections	N/A

10/16/14	Veteran's Tax Credit	180-020
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Jon read the Consent & Signature File. Joel Made the Motion to approve the Consent & Signature File for October 16, 2014. Chris Seconded the Motion. The Motion carried Unanimously.

2. Public Hearing: Policy Amendment #22, Internal Control: Jon opened the public hearing at 7:21 p.m. Carter explained that what was proposed was suggested by the Town's auditor, to set up a clearing account for electronic payments, setting a minimum and maximum balance, which would allow for service charges to the Town for tax payments that have insufficient funds. He added that the Tax Collector does recover these service charges which go into the general fund. In particular the first amendment to the policy is on page 4, deleting the statement that, "No payment may be made in advance for any amounts anticipated to be incurred." This sentence should have been deleted at the last revision. The second is on page 5 which describes the clearing account for electronic payments, the maximum balance of \$100 and the minimum balance allowed of \$15. Carter added another change made in the policy, was to delete Administrative Assistant and replace it with Finance and Personnel Director. Carter said that if the Selectmen wish to adopt electronic payments, they must adopt this amended policy. Chris thought and the Selectmen agreed that the word *promptly* should be added, page 2, #2, second paragraph, third sentence, to read, "They shall *promptly* and properly record and transfer cash assets to the Finance and Personnel Director..." Tax Collector Susette Remson said that by law she must make a deposit weekly or upon having a balance of \$1,500. Carter said he would check with Heidi to see if Chris' concern has been a problem and will report back. Carter added that previously the policy had been listed incorrectly under ordinances on the web, which will be corrected. Jon closed the Public Hearing at 7:30 p.m. Russ Made the Motion to adopt Policy #22, Internal Control with the amendments made, and to include replacing Administrative Assistant with Finance and Personnel Director, and the deletion of no advance tax payments. Paul Seconded and the Motion carried Unanimously.
3. Presentation: Adopt A Spot & Adopt A Facility: Jon announced that they are awarding certificates of appreciation to the three participants of Adopt A Facility: 1) Donnybrook Home Services, LLC, Recreation Department, Historical Society and Taylor property; 2) McCarthy Lawn Property Management, Public Safety Building; and 3) Miracle Farms Landscaping, Library and Town Hall. For the Adopt A Spot participants, certificates of appreciation were awarded to: 1) Dion Plant Place, Town Hall North parking area; 2) Donnybrook Home Services, LLC, Sutherland Park (partial), the pole at the Lion's Club, Recreation Department; 3) Moultonboro Toastmasters, Transfer Station; 4) Moultonborough Women's Club, Town Hall South parking area; and 5) Robert P. Patenaude, Town line at Bean Road. In the judging, a 3<sup>rd</sup> place plaque was awarded to Pine Ridge Lawn & Landscape, front of Town Hall. The 2<sup>nd</sup> place plaque was awarded to Miracle Farms Landscaping, Public Safety Building. The 1<sup>st</sup> place plaque was awarded to Karen Nigzus and Family in memory of Peter and Rose Kraines, Playground Drive. Jon and the Selectmen thanked all that participated as they do a great job and provide a free benefit and service to the Town. Carter said he will contact those participants who were not in attendance and will be issuing a press release thanking them all.
4. Review for Action: Susette Remson, Permission for Electronic Billing: Tax Collector, Susette Remson reported that through the new tax collection software provider, the Town can now offer electronic billing through email for those taxpayers who request it, in order to do this the Selectmen must give their approval. In addition, through the new provider,

Avitar, the Town's Tax Kiosk is set up and running, presently without the 1<sup>st</sup> bill payment, which will be included once the 2<sup>nd</sup> bill is posted. Any taxpayer who wishes to receive their tax bill electronically via email, must first sign an agreement. The fall bill will ask if they want to sign up. She explained that once a taxpayer signs up for electronic billing, they will not receive a paper bill, but will receive reminders before and after. If the email address becomes defunct, the Tax Collectors office will send a paper bill along with a new application/request form. Joel Made the Motion to approve of electronic billing for the purpose of payment of taxes, along with the Paperless Billing Request & Agreement form the Tax Collector provided. Chris Seconded. Russ pointed out that #5 on the form states that the taxpayer is still responsible for taxes due and failure to receive the electronic bill does not alter their obligation to pay their taxes, along with any interest and fees on late balances. Susette said that there is a 2.95% charge for credit card payment and 95¢ for electronic check. The Motion carried Unanimously.

5. Review for Action: SelectBoard Work Plan: Paul commented that what is presented is part of the work plan, and as they discussed the other goals will be worked on in upcoming work sessions. Carter said that Tuesday's training is based on their approval of this work plan, which is the short version. Paul suggested and the Selectmen agreed that the title should be changed to SelectBoard Goals. Paul Made the Motion to approve the Goals as written, changing the title. Chris Seconded and the Motion carried Unanimously. Jon said that they will continue working on the other goals at their next work session, October 23<sup>rd</sup>, 4 p.m.
6. Review for Action: Employee Performance Appraisal Form 2: Jon stated that the changes were made as requested from the last work session. Carter reported that for the training the appraisal form had a "Draft Trial Use Only" watermark on it. Paul asked and Carter replied that the form was sent out for legal review on Tuesday, but he has yet to hear back. Paul asked if they should get the feedback first before approving the form. Russ said he saw no issue and staff seemed to understand it. He thought it was more important to approve it. Paul said he was OK with approving it contingent on legal review and reserve the right to make adjustments as recommended. Joel Made the Motion as stated by Paul. Russ Seconded. The Motion carried Unanimously.
7. Review for Action: Town of Moultonborough Organizational Chart: Carter reported that he changed the chart to reflect the positions that are now in existence vs. adding additional footnotes. Once the new positions are approved, then the chart can be amended. Chris Made the Motion to approve the Organizational Chart. Joel Seconded. Paul, Chris, Jon and Joel voted in favor. Russ abstained. Paul reminded him that he had to have a specific reason to abstain. Russ changed his vote to not in favor. The Motion carried.
8. Review for Action: Property Liability Trust, 2015 Board of Directors: Paul asked if anyone from Town is on the Board of Directors and learned that there were not. Carter was asked to refer this to the School Board to see if anyone wanted to participate.
9. Review for Action: Appeal of Action of Cemetery Sexton, Shannon Cemetery-Swinton: Jon reported that Scott Kinmond, Cemetery Sexton has responded in a memo to the appeal. Russ thought that the Board should deny the appeal, but reply with sympathy, as the Sexton acted according to the ordinance. Paul suggested that in the future, the family should first receive a phone call if at all possible. Carter said that could be attempted, but reminded the Selectmen that there isn't a directory of contacts, and the Sexton would have to rely on personal knowledge. He added that if at all possible a phone call would first be made if the information is known. Jon said that Scott acknowledges the situation. Chris said that the problem is that some grave sites are not in compliance and have

created artificial borders/boundaries, which makes it appear that they are in compliance when they are not. Carter suggested that they deny the appeal and direct the Sexton to more uniformly comply with the ordinance. He added that he received another call from a family member upset about items being removed, of which he told her that he would insure that immediate action is taken to return the items to her. Carter said that of those he has spoken with, most are understanding of the problem that exists. Jon agreed that they need to follow through with the ordinance. Joel Made the Motion to deny the appeal with the understanding that another cemetery plot is not in compliance and the Town will work towards full compliance and with the intent to contact a family member if possible. Russ Seconded. Chris, Russ, Jon, Joel voted in favor. Paul voted not in favor. The Motion carried.

## **VI. OLD BUSINESS:**

1. LRPC – TAC, Scenic Byway Advisory Subcommittee: Paul said that Bruce's email stated that if the Town were to become a member of the Scenic Byway Advisory Subcommittee, they will not lose control of off premise signs. He added that the previous vote against this was based on this incorrect premise. Paul said that Bruce has offered to be on the subcommittee as he is a member of the TAC. Joel said that if a sign is in the state's right of way, then state approval is required. Jon agreed as he read over Bruce's email, off-premise signs remain in the Town's authority, but not those in the state's right of way. Paul Made the Motion to appoint Town Planner, Bruce Woodruff to the LRPC-TAC Scenic Byway Advisory Subcommittee. Joel Seconded and the Motion carried Unanimously.
2. Adele Taylor Property – Request to Perform Metal Detection: Russ reported that he received a phone call from the individual making the request, assuring him that he is an experienced metal detector and will sign liability and waivers if needed. In addition, he will mark any area that has large objects, such as a tank, and smaller items he will donate to the Town. Joel reminded him that Heritage Commission Chair, Cristina Ashjian advised against it. He asked how they can deny other requests if they allow this one. Jon said he'd prefer to not give a municipal blessing on this and doesn't want to set precedent. Joel Made the Motion to deny the request for metal detection on the Adele Taylor property. Paul Seconded. Joel, Jon, Paul voted Nay. Russ and Chris voted Aye. The Motion carried.
3. Paul provided the Selectmen with a draft letter to the LRPC regarding the present apportionment of fees, due on July 1, 2015, based on property values, with Moultonborough's share being \$10,331, second highest with Laconia being the highest. He said that 5 out of 9 planning commissions apportion fees based on a per capita rate, which would reduce the Town's share to \$4,772. Paul said he hopes LRPC will act favorably using a pro capita rate. Joel Made the Motion to approve the letter as written. Russ Seconded. The Motion carried Unanimously.
4. Paul commented to Carter about his email to Village Vision Chair, Ken Bickford, regarding the Blue Ribbon Committee's site study, and felt that it gave the perception that the Village Vision Committee is being told how to envision the village. Paul and Chris agreed that the Village Vision was given a blank piece of paper and shouldn't have to adopt the other committee's work. Carter replied that he would like the vision to be united and not at odds. He added that he contacted the Chair with the understanding that he would have the discussion with his committee, as he would do with any other committee. Paul thought that the conversation should have been with the whole Village

Vision Committee and he doesn't want the perception that someone is trying to control them. Jon said and Russ agreed that they supported Carter's actions. Chris agreed that the Village Vision should have an independent view on the village without controls. Jon thought that the clean slate was probably gone once the voters made their decision. Russ agreed that the Blue Ribbon Committee site study made the decision and did not see Carter's explanation as a problem.

5. Chris reported that he did check the flag poles at the PSB, and they are the same height, and the flags are posted correctly.

**VII. OTHER BUSINESS:**

1. Board & Staff Liaison and Update Reports: Joel reported that the Inter-Municipal Ambulance committee met and he thought that Moultonborough will get some help in paying for the paramedics. He added that the Town should still budget the full amount in case the other towns do not get approval at their Town Meeting.
2. Advisory Budget Committee Minutes, September 23, 2014: Acknowledged. Russ said that he read the minutes and objects to the ABC going into Non-Public Session. He said he didn't feel it was correct. Paul thought that the Chair has acted in good faith and based on the School Board's request and their attorney's advice. Russ thought it was another example of the ABC going beyond its charge.
3. Joint School Board & Select Board Subcommittee Minutes, September 24, 2014: Acknowledged.
4. Heritage Commission Minutes, September 24, 2014: Acknowledged.
5. Milfoil Committee Minutes, September 24, 2014: Acknowledged.

**VIII. CORRESPONDENCE**

1. Time Warner Cable, October 1, 2014, Possible Program Changes: Jon reported this was their usual letter.
2. J. Peter Hare, October 2, 2014, Volunteer Luncheon: Jon reported that Mr. Hare sent his thanks for the Volunteer Luncheon. The Selectmen agreed that they appreciate his kind letter.

- IX. CITIZEN INPUT:** 1) Mr. Cormier told the Selectmen about the LRPC's participation in the regional broadband planning meeting. They commented that Moultonborough has an enlightened administration. 2) Mr. Austin asked what the total number of tax deeded properties was this year and if this is an increase. Russ replied that Susette has commented that collection is above average. Joel reminded Mr. Austin that the Selectmen have received a list of possible tax deeded properties and they won't know until November. He added that the Tax Collector tries to work with taxpayers with collection agreements, etc. Joel added that the last thing the Selectman want to do is to tax deed property with a house on it, regardless if it is seasonal. The cost to secure the building, insurance, etc., is very high. Mr. Austin thought it was a sign of the economy. He told the Selectmen that he's heard from others who have attempted to go on-line to take the Recreational Survey, that although it says they can stop and come back, they are being locked out in mid-stream. Paul thought that they are probably checking off that they are done, when they aren't and then get locked out. Carter replied that in total, including paper surveys they've received approximately 625 surveys. October 27<sup>th</sup> is the last day.

- X. **NON-PUBLIC SESSION:** Jon reported that the Selectmen need to go into Non-Public Session per RSA 91-A:3 II (a) and will reconvene for adjournment only. Carter added that upon adjourning there is a need to go into a non-meeting. Joel Made the Motion to go into Non-Public Session and to return for the sole purpose to adjourn. Chris Seconded. A roll call was taken: Paul – Aye; Chris – Aye; Russ – Aye; Joel – Aye; Jon – Aye. The Motion carried and the Selectmen went into Non-Public Session at 8:51 p.m.

The Board exited Non-Public Session at 9:13 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 affect adversely the reputation of a person other than the member of the public body itself, and to not disclose the minutes and decisions reached to the public until, in the opinion of a majority of the members, the aforesaid circumstances no longer apply.

- XI. **ADJOURNMENT:** Joel Made the Motion to Adjourn. Russ Seconded.  
Motion Carried Unanimously  
Jon adjourned the meeting at 9:14 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Administrative Assistant