

TOWN OF MOULTONBOROUGH
TOWN MEETING MINUTES
MARCH 14, 2017 - MARCH 18, 2017

The meeting was called to order by Moderator Harry Blood on March 14, 2017 at 7:00 AM. The meeting was held in the Mel Borrin Training Room at the Moultonborough Public Safety Building. The meeting began with the Pledge of Allegiance followed by the reading of the warrant by the Moderator. Ballot voting followed with the results below:

Votes Cast - 547

TWO (2) SELECTMEN FOR THREE (3) YEARS

Russell C. Wakefield	312
Joel Mudgett	398
Paul Punturieri	209

ONE (1) TOWN CLERK FOR THREE (3) YEARS

Barbara E. Wakefield	480
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ONE (1) TAX COLLECTOR FOR THREE (3) YEARS

Susette M. Remson	483
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ONE (1) TRUSTEE OF TRUST FUNDS FOR THREE (3) YEARS

Donald A. Margeson	428
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TWO (2) PLANNING BOARD MEMBERS FOR THREE (3) YEARS

Scott Bartlett	423
Richard Thorman (write in)	41

TWO (2) ZONING BOARD OF ADJUSTMENT MEMBERS FOR THREE (3) YEARS

Nicholas Demeo	357
Robert H. Stephens	382

TWO (2) LIBRARY TRUSTEES FOR THREE (3) YEARS

Fox Smith	406
Paul T. Smith	416

ARTICLE 2

Are you in favor of the adoption of Amendment 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Zoning Ordinance Article III, by adding a new Article III (M) and amending Article XV that establishes the creation of an Accessory Dwelling Unit (ADU) as an accessory use to existing single-family detached dwellings. Adding language relating to and defining Accessory Dwelling Units in accordance with NH RSA 674:71-73.

(Recommended by the Planning Board 7 Yes – 0 No)

YES - 383

NO - 121

ARTICLE 3

Are you in favor of the adoption of Amendment 3 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Zoning Ordinance Article IX, by adding a

new Article IX-B that establishes a Village Center Overlay District (VCOD) to encourage the development of the Moultonborough Village Center in a manner consistent with its historic pattern, including the size and spacing of structures and open spaces. The proposal includes a map which outlines the VCOD with the properties identified in this proposal.

(Recommended by Planning Board 7 Yes – 0 No)

YES - 371

NO - 151

At 7:00 PM Moderator Harry Blood recessed the town meeting until Saturday March 18, 2017.

Saturday March 18, 2017

Moderator Harry Blood called the meeting to order at 9:45 AM at the Moultonborough Academy Auditorium, followed by Megan Duddy and Alexa Price singing the National Anthem.

The Moderator introduced those seated on stage as Town Attorney Matthew Serge, Town Clerk, Barbara Wakefield, Selectmen Josiah Bartlett, Russell Wakefield, Paul Punturieri, Chris Shipp, Jean Beadle, Town Administrator Walter Johnson and the Power Point Presenter Joanne Coppinger.

The Moderator then asked for the reading of article 4.

ARTICLE 4

To see if the Town will vote to establish a Roads Improvements Capital Reserve Fund for the purpose of funding improvements to Town Roads and to raise and appropriate the sum of Eight Hundred Fifty Thousand Dollars (\$850,000) to be placed in said fund and further to authorize the Board of Selectmen as agents to expend without further appropriation. Said amount to come from taxation.

(Recommended by Selectmen 4 Yes – 0 No)

(Recommended by Advisory Budget Committee 3 Yes - 0 No)

A motion was made by Selectman Bartlett and seconded by Selectman Wakefield to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 5

To see if the Town will vote to (a) raise and appropriate the sum of One Million Two Hundred Five Thousand Dollars (\$1,205,000), for a program of capital improvements and expenditures and equipment as generally illustrated below and (b) meet said appropriation by a withdrawal of Three Hundred Seventy-Five Thousand Dollars (\$375,000) from the unassigned fund balance as of December 31, 2016 and a withdrawal of Eight Hundred Thirty Thousand Dollars (\$830,000) from the newly established Roads Improvements Capital Reserve Fund.

Department/Project	
Recreation: Playground Equipment Replacement – Playground Drive	55,000
Recreation: Softball Field Improvements – Playground Drive	50,000
Fire: Replace Command Vehicle	52,500
Police: Cruiser Replacement	53,500
DPW: 1 Ton Pickup w/plow and sander	69,000
DPW: 20 Ton Equipment Trailer	20,000
DPW: Energy Improvements to Town Buildings	75,000
DPW: Roads Improvements	\$830,000
Total	\$1,205,000

Roads Considered For The 2017 Road Improvement Program Are Illustrated Below:

Project	Segment	Length	Width	Treatment	Cost/FT	Budget
Paradise Dr	Mayflower to End	2,240	22	Reclaim/Repave	\$50.00	\$121,000.00
Shaker Jerry Rd	Hanson Mill to #171	2,000	22	Reclaim/Repave	\$50.00	\$100,000.00
Old Redding Ln	Eagle Shores to End	2,400	20	Remove/Repave	\$50.00	\$120,000.00
Rehab/Preservation						\$341,000.00
Severance Rd	Rte. 171 to #126	4,540	22	Shim/Overlay	\$25.00	\$113,500.00
Kona Farm Rd		4,120	21	Shim/Overlay	\$25.00	\$103,000.00
Evans Rd		1,215	22	Shim/Overlay	\$25.00	\$ 30,375.00
Ben Berry Rd		300	21	Shim/Overlay	\$25.00	\$ 7,500.00
Randall Rd		690	20	Shim/Overlay	\$25.00	\$ 17,250.00
Meyers Rd		320	20	Shim/Overlay	\$25.00	\$ 8,000.00
Colby Rd		1,532	20	Shim/Overlay	\$25.00	\$ 38,300.00
TBD		4 Days		Crack Sealing	\$5,000	\$ 20,000.00
Preservation						\$337,925.00
Reconstruction Sections						\$ 24,000.00
16-17 Engineering						\$ 76,500.00
Contingency						\$ 60,000.00
Total 2017 Road Program						\$839,425.00

[Note: Inclusion of any road or intersection on this list was based upon a condition assessment and budget estimate prepared in November of 2016. It is no guarantee of work being undertaken on the identified roadway. Final construction decisions are made upon the acquisition of needed easements or right of way, detailed engineering and actual bids received with work deletions or additions based upon the final bids.]

(Recommended by Selectmen 4 Yes – 0 No)

(Recommended by Advisory Budget Committee 3 Yes - 0 No)

A motion was made by Selectman Wakefield and seconded by Selectman Punturieri to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 6

To see if the Town will vote to (a) raise and appropriate the sum of Four Hundred Thousand Dollars (\$400,000) for a program of capital improvements and expenditures and equipment as generally illustrated below, and (b) meet said appropriation by a withdrawal of One Hundred Seventy Five Thousand Dollars (\$175,000) from the Municipal Building Capital Reserve Fund, Twenty Five Thousand Dollars (\$25,000) from the IT Hardware and Software Capital Reserve Fund and Two Hundred Thousand Dollars (\$200,000) from the Milfoil Expendable Trust.

Department/Project	
DPW: Public Safety Building Parking Lot Improvements – Phase II	175,000
Administration: IT Hardware and Software Town Wide	25,000
ODS: Milfoil Eradication	200,000
Total	\$400,000

(Recommended by Selectmen 4 Yes – 0 No)

(Recommended by Advisory Budget Committee 3 Yes - 0 No)

A motion was made by Selectman Punturieri and seconded by Selectman Shipp to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 7

To see if the Town will vote to raise and appropriate the sum of Eight Hundred Fifty One Thousand Five Hundred Dollars (\$851,500) and to deposit the same in the following Capital Reserve Funds and meet said appropriation by using Eight Hundred Fifty One Thousand Five Hundred Dollars (\$851,500) from the unassigned fund balance as of December 31, 2016.

Capital Reserve Funds	Budget
Communication Technology CRF	27,500
Reappraisal CRF	24,000
Firefighting Equipment CRF	110,000
DPW Equipment CRF	160,000
Municipal Buildings & Facilities CRF	200,000
IT Hardware and Software CRF	30,000
States Landing Improvements CRF	300,000
Total	\$851,500

(Recommended by Selectmen 4 Yes – 0 No)

(Recommended by Advisory Budget Committee 3 Yes - 0 No)

A motion was made by Selectman Shipp and seconded by Selectwoman Beadle to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 8

To see if the Town will vote to raise and appropriate the sum of Two Hundred Forty Thousand One Hundred Dollars (\$240,100) and to deposit the same in the following Expendable Trust Funds and meet said appropriation by using Seventeen Thousand Seven Hundred Dollars (\$17,700) from the unassigned fund balance as of December 31, 2016, and the balance of Two Hundred Twenty Two Thousand Four Hundred Dollars (\$222,400) to come from taxation.

Expendable Trust Funds	Budget
Milfoil	200,000
Lees Mills	2,700
Dry Hydrant	15,000
Historic Buildings	22,400
Total	\$240,100

(Recommended by Selectmen 4 Yes – 0 No)

(Recommended by Advisory Budget Committee 3 Yes - 0 No)

A motion was made by Selectwomen Beadle and seconded by Selectman Bartlett to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 9

To see if the Town will vote to raise and appropriate, subject to any and all changes made at this meeting, the sum of Seven Million Five Hundred and Sixty-Five Thousand One Hundred and Eight Dollars (\$7,565,108) to pay the expenses of General Government, Public Safety, Public Works (including

Highways, Cemeteries, Buildings and Grounds, and Transfer Station), Human Services, Visiting Nurse Service, Culture and Recreation, and Development Services.

(Recommended by Selectmen 4 Yes – 0 No)

(Recommended by Advisory Budget Committee 3 Yes - 0 No)

A motion was made by Selectman Bartlett and seconded by Selectman Wakefield to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 10

To see if the Town will vote to raise and appropriate the sum of Five Hundred Forty One Thousand Four Hundred Eighty Nine Dollars (\$541,489) to pay the expense of operating the Public Library.

(Recommended by Selectmen 4 Yes – 0 No)

(Recommended by Advisory Budget Committee 3 Yes - 0 No)

A motion was made by Lauri Whitley and seconded by Selectman Shipp to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 11

To see if the Town will vote to allocate One Hundred Percent (100%) of the collected land use change tax revenue, but not to exceed Twenty Thousand Dollars (\$20,000) per year, pursuant to RSA 79-A and deposit said money in the Conservation Fund already established, in accordance with RSA 36-A:5, III as authorized by RSA 79-A:25, II.

A motion was made by Selectman Wakefield and seconded by Selectman Punturieri to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 12

To see if the Town will adopt the provisions of RSA 72:28-b All Veterans' Property Tax Credit which will extend the \$500 per year Veterans' property tax credit to all Veterans who qualify under the provisions of RSA 72:28-b IV with an effective date of April 1, 2017.

A motion was made by Selectman and Punturieri seconded by Selectman Shipp to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 13

To see if the Town will vote to completely and absolutely discontinue that certain roadway described in the November 7, 1860 layout (Book 4 Pages 292-293 of the Moultonborough Town Records) as: "Beginning at a stake in the highway near a small bridge in the road at the foot of the Benjamin B. Moulton hill, so called, in said Moultonborough; thence South 60 ½ degrees West through land of the said Benjamin B. Moulton twenty-four rods and eighteen links to a stake; thence South fifty-nine & a half degrees West through land of said Moulton seven rods and eight links to a stake; thence South sixty-six degrees West through land of the same twenty rods & twenty one links to a stake on the line between the said B.B. Moulton & Mrs. Priscilla Shackford & Benjamin M. Moulton; thence South sixty-seven degrees West through land of the said B.M. Moulton & Priscilla Shackford three rods to a stake; thence South seventy-two degrees West through land of the same four rods to a stake in the highway; thence on said highway

South eighty-eight degrees West one rod & eight links to a stake. The line above described to be the middle of the highway & the highway is to be three rods wide.”

A motion was made by Selectman Shipp and seconded by Selectwoman Beadle to move the article. This article was voted in the affirmative by a show of voter cards.

ARTICLE 14

To see if the Town will vote to raise and appropriate a sum of Thirty Thousand Dollars (\$30,000), or such amount sufficient to pave that portion of Black’s Landing Road, as described, a gravel town road that runs from NH Route 109 to just East of the entrance to Ambrose Cove Marina, slightly less than one quarter of a mile (0.25 mile), from the uphill grade from Berndorf Road to NH Route 109. **(Citizens Petition)**

(Recommended by Selectmen 0 Yes – 4 No)

(Recommended by Advisory Budget Committee 0 Yes - 3 No)

Marlene Taussig moved the article seconded by Eric Taussig. After discussion by Marlene Taussig and others, Mr. Taussig requested the removal of voting by secret ballot with the five petitioners indicating agreement. After further discussion Joe Cormier made a motion to reconsider the secret ballot. This was seconded by Judy Cormier and the petitioners were poled. The motion to reconsider the secret ballot failed to receive the five required signatures; the motion was defeated by a show of voter cards.

Article 14 was defeated by a count of voter cards: YES - 79 NO - 104

ARTICLE 15

To see if the Town will vote to rescind, repeal, the authority of the Select Board, to sell and/or buy property, and/or buildings, pursuant to RSA 41:14-a, that was conferred on the Select Board by an affirmative legislative body vote in Article 33, documented in the Moultonborough 2003 Annual Report. This action does not affect the Select Board authority to sell tax-deeded property, conferred by the legislative body in Article 4, documented in the Moultonborough 2014 Annual Report, pursuant to RSA’s 80:80 and/or 80:42. **(Citizens Petition)**

A motion was made by Joe Cormier and seconded by Judy Cormier. Mr. Cormier then addressed the article with others to follow. After further discussion there was a motion by Joe Cormier to call the question at which time the Moderator poled the legislative body resulting in an affirmative vote. Article 15 was then voted on by secret ballot and was defeated: YES - 95 NO - 120

ARTICLE 16

To see if the Town will vote to rescind and repeal Board of Selectmen Policy Number 2 establishing recommendations for so-called “private roads”. **(Citizens Petition)**

A motion was made by Eric Taussig and seconded by Joe Cormier to move the article. After some discussion a motion was made by Joe Cormier and seconded by Eric Tausig to amend the article to add wording after "private roads" as follows: "To see if the town will vote, to direct the governing body, to **continue to plow and sand private roads** in Moultonborough, as presently done, and defend an affirmative vote of this motion, if denied by a lower court, to the NH Supreme Court, if needed". The Moderator accepted no second to this amendment stating he would "not allow the amendment at this time". This drew a motion by Mr. Cormier to overrule the Moderator with a second by Mr. Taussig. The Moderator then called for the vote to overrule. During the hand card count of vote, the

Board of Selectmen chair pointed out the Moderator had not been allowed to state his reasons for not allowing the amendment prior to the vote to overrule. At this point the Moderator offered his explanation as follows: "I do not feel the amendment to the article was properly warned. Article 16 talks about private roads, it does not talk about plowing of private roads or rescinding. Also, it is asking the Board of Selectmen to be in violation of the law, and I think the town would be uncomfortable with that". "This is based on the advice of counsel". The Moderator then called for the vote while also accepting further discussion from Mr. Cormier. The Moderator's call for the vote was withheld until discussion was complete at which time the hand count commenced with the motion to overrule the Moderator defeated by a vote of 67 - Yes, 126 - No. The Moderator then advised the petitioners to bring the amendment back as a motion under Article 17 which is an article to conduct any other business. As the petitioner, Mr. Cormier then offered his rationale for offering the amendment to Article 16. A great deal of further discussion ensued both in support of the petitioned article and against. Alan Ballard moved to call the vote. By request the Moderator reaffirmed the petition to hold the vote by secret ballot. The motion to call the vote was in the affirmative by a show of voter cards. The original article 16 was voted in the affirmative by a secret ballot vote: Yes - 157, No - 47

At this time Selectman Shipp recognized Phyllis and Jordan Prouty for their many years of volunteer work for the town. Chris then presented Selectman Paul Punturieri a gift and thanked him for his service as a Selectman.

ARTICLE 17

To transact any other business that may legally come before said Meeting.

A motion was made by Joe Cormier and seconded by Josiah Bartlett to determine the sense of the meeting with regards to the continuation of plowing and sanding private roads. Motion as follows: To see if the town will vote, to direct the governing body, to **continue to plow and sand private roads** in Moultonborough. The article was voted in the affirmative by a show of voter cards.

With no other business a motion was made by Steve Law and seconded by Jerry Hopkins to adjourn the meeting at 12:00 PM. This was voted in the affirmative by a show of voter cards.

A True Copy Attest:



Barbara E. Wakefield, NHCTC Certified Town Clerk