

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

Selectmen's Meeting

August 4, 2011

MINUTES

Selectmen: Selectmen: Joel R. Mudgett, Chairman; Edward J. Charest, James F. Gray; Betsey L. Patten; Russell C. Wakefield; Carter Terenzini, Town Administrator; Hope K. Kokas, Administrative Assistant.

- I. **CALL TO ORDER:** Joel called the meeting to Order at 7:00 P.M.
- II. **PLEDGE OF ALLEGIANCE**
- III. **REVIEW/APPROVE MINUTES:** Ed made the Motion to approve the Minutes of July 21, 2011. Betsey Seconded the Motion. The Motion carried Unanimously.
- IV. **NEW RESIDENTS:** Stephanie A. Kimball, James F. Callahan, Jr., Laurie E. McNear, Elizabeth H. Hebert, Hiland B. Doolittle, Patricia A. & Edward W. Wilysz, Keenan McLaren, Robert E. Smith, Isabelle L. Schweich, Durtis I. & Anne Marie Davis, Sheila M. Farricy, Ricky C. Adams, James J. MacDonald, Carl F. Beckmann, Barbara M. Maxwell, Allyseanna R. Haflett.
- IV. **CITIZEN INPUT:** 1) Hollis Austin asked the Selectmen how much of the reported \$100 million dollars from the LGC is due the Town of Moultonborough. Carter and Joel both responded that they had not seen any projections. Betsey informed Mr. Austin that this is an ongoing investigation and continues to be in negotiation.
- V. **NEW BUSINESS:**
 1. **Personnel Announcement: MFD Firefighter/EMT Brian Searles:** Fire Chief David Bengtson introduced to the Selectmen the Town's new Firefighter/EMT Brian Searles. Mr. Searles has a degree in fire science from the Laconia Community College and is a certified Firefighter Level 2 and EMT-Intermediate. Presently he resides in Loudon and he is a call company Lieutenant with Loudon Fire Department and serves as volunteer with Chichester Fire Department. He was most recently employed with North Conway Ambulance as an EMT. Mr. Searles started on Monday and will be on a six month probationary period as he learns about the Fire Rescue Department and the Town. Chief Bengtson reported that Firefighter Searles was 1 of 40 applicants, which resulted in 5 interviews and he was the top candidate. The Selectmen welcomed Firefighter Searles to the Town.
 2. **Review for Approval: Susette Remson, Tax Collector, Re Credit Card Payments:** Susette reminded the Selectmen that at the 2009 Town Meeting, the voters approved accepting payments of taxes through credit cards, debit cards and ACH checks through a third party vendor. Since that time the concerns she had have been resolved. The next step is to schedule a public hearing. If approved, she requested forwarding the contract for PayGov, LLC to Town Council. She informed the Selectmen that several NH tax collectors use PayGov, LLC and it is the agency used by the federal government to process credit card payments. MVSBS is also familiar with this company. In addition,

this would be a month to month contract. Susette also provided the Selectmen with a draft ordinance. Betsey asked and Susette confirmed that she will attend the public hearing. Susette informed the Selectmen that credit card payment (debit and ACH checks) cannot be accepted “over the counter” at the Tax Collector’s office and will only be available on-line. She added that the Town will not receive any credit card information, only payments. Susette asked that she be the main contact for PayGov, LLC vs. the Town Treasurer. The Selectmen agreed as Susette would have the daily interaction, and is easily available, whereas the Treasurer is not. The Selectmen thanked Susette for her efforts in this area. Betsey made the Motion to hold a public hearing on September 1, 2011 and authorized the Tax Collector to contact Town Council to review the contract. Jim Seconded the Motion. Joe Quaresima asked if fees would be charged to the tax payer and learned that the contract provides a minimum fee of \$1 for all Internet or over the phone transactions under \$25, \$2.85 up to \$100 payment, and 2.85% thereafter. The convenience fee for electronic check acceptance online is \$1. The Motion carried Unanimously.

3. Review for Approval: Employee Clothing Allowance: Joel reported that during the 2011 budget process they eliminated the clothing allowance. Betsey stated that she was uncomfortable reinstating it which had been received by 3 employees (2 MPD and 1 at Town Hall), adding that they were receiving reimbursement for clothing that were not specific uniforms. She felt it would be better to make this change during the upcoming budget season. She thanked the Selectmen for discussing this topic in public. Betsey Made the Motion to continue the elimination of the clothing allowances and if necessary change the policy at the next budget season. Russ Seconded the Motion. Betsey and Joel voted Aye. Ed, Jim, and Russ were Opposed. The Motion was not approved. Joel asked if those opposed wanted to make a motion. Betsey commented that if it is reinstated then all employees should get it as it isn’t fair that it is just given to 3. Ed Made the Motion to reinstate the clothing allowance. Joel asked if his intent was for all 3 employees to receive it. Ed said that he originally proposed that one individual and not all three should get the clothing allowance and felt that to discuss his reasons why should be done in Non-Public session. However, if 1 gets it, then he now feels all 3 should get it. Russ commented that only 1 employee made the request that it be reinstated, as this individual has been receiving it for years and it is improper to just take it away. He added that when that individual is no longer employed with the Town it can be removed. Ed withdrew his original motion. Russ Made the Motion to reinstate the clothing allowance for the Prosecutor’s position only. Jim Seconded the Motion. Nancy Wright asked what the salary was for this position and how much was the clothing allowance. Carter said he recalled it was \$250 per year and could not recall the salary amount. Jim commented that the Town expects him to go to court in a suit, which is his uniform and the Town has done this for a number of years. After consideration, he felt this budget cut was not a good one. Jim, Ed and Russ, were in favor. Joel and Betsey were against. The Motion carried.
4. Review for Approval: Interim Rule Re Hiring Procedures: Carter reported that he made the changes requested by the Selectmen and had this third version reviewed by staff. He had accounted for the changes the Selectmen requested at the last meeting and said that he had incorporated staffs’ comments to the extent that he could in keeping with the objectives of the policy. He added that it may need to be fine tuned, but recommended circulating this to staff as an interim rule and he will draft it into formal policy. Betsey commented that the Town Clerk and Tax Collector have their own processes under the RSA’s and this would not apply to elected officials. Joel commented that he was unsure

what the RSA says, but felt that the deputies fall under the RSA, but not the assistants. Carter replied that the Clerk and Tax Collector appoint their deputies with the Selectmen's approval. He added that he felt it was reasonable to spell out the process in order to receive the Selectmen's approval. If the one remaining position does not fall under the hiring procedure, then it is hanging out there, based on what the official wants to do. Carter has reviewed this with Town Counsel and at this point is unclear what the final answer is. For the deputy positions, the Selectmen do have by statute the confirming/approval part of the process and it is reasonable to lay out what it is going to be and would be the same as for all other departments. Betsey asked Carter and he confirmed that Town Counsel is reviewing the deputy position and the assistant. Russ commented that following this procedure any department making a hire will require 3 months. It has happened where they find a good candidate, but lose him because we took too long. Is it necessary to review each position that becomes open with the Town Administrator and Finance Director? Carter replied that the tendency is to fill the position ASAP. The best time to implement change is when the position is vacant, as was done at the WMF, Highway and Visiting Nurse Service. Questions are asked and ideas exchanged, some of which hadn't been thought of by the Department Head. He added that it also answers the public's question of the necessity of this position. Carter felt that 3 weeks advertising, 2 weeks to interview could result up to a total of 12 to 15 weeks. Ed said that he was not happy with the proposed process. The Town is not a huge corporation and the Department Head knows best. Joel reminded everyone that this is a 2 part process. Earlier in the year, the Selectmen were asked by the public if opened positions needed to be filled and they replied that they would review each one as they came up, and to ask if the job description needed to be changed. Russ agreed with Ed, that the Department Head knows best, and the Town Administrator and Finance Director don't know the position. He felt this was a waste of time, just adding another step. Ed commented that positions that were reviewed and made part-time have resulted in good employees leaving. He felt that the Town Clerk and Tax Collector know the job and what is needed. Joel stated that he is not against either office, but gave as a hypothetical situation of an elected official such as the Highway Agent, acting independently advertising and hiring. Should that be allowed? Russ said that he reviewed the procedure and would change most of it, adding that he didn't see the changes made that they requested and questioned if Carter was lying about making the changes. Betsey suggested that each Selectman edit/rewrite the procedure and bring back their changes. This has been before them for a while and all had a chance to voice their opinions. It is important that the Town have a uniform hiring process and the process should be a little different for the Town Clerk and Tax Collector's offices. Betsey felt that that Russ' statement that Carter was lying was uncalled for. Russ said he'll do that and apologized for not having all of his notes for the Selectmen to review. He was sorry that he insinuated that Carter was lying, but did not see their changes in this version. Carter replied that Russ did more than insinuate and came very close to actually saying that he was lying. He restated what he had said at the introduction of the item that he had incorporated staff's comments to the extent that he could to keep the objectives of the policy and they were laid out up front. Betsey confirmed that those objectives were what the Selectmen told Carter that they wanted to have in a hiring process. Carter said that this was the 3rd or 4th draft and it has evolved and nothing is dramatically new. Although he is not an expert in every department, he does have a global view which the department heads don't have. Forcing a review of an open position brings new ideas and answers the public's question of the need for the position. He understands that it is difficult for the

Selectmen to make these decisions to change positions. The process would be the same for all. What is proposed does not take any longer than what was done previously. The scoring matrix works and the department heads and the Selectmen agree on this. Carter added that this is a single organization governed by the Selectmen and should be a team effort. Betsey agreed that the matrix and scoring does work. Susette Remson stated that her deputy must be a Town resident and it is the same for the Town Clerk's office. Joel agreed that these two offices are a little different, but felt that an assistant doesn't need to be a resident. Susette responded that ideally they should be a resident if it came necessary to fill the deputy position. She felt that the total time of 12 weeks will result in losing good people. Carter clarified that the 12 weeks is from day 1, 3 weeks advertising, 2 weeks interviewing (maybe 6 weeks) and 3-4 weeks for the background check and to allow the candidate to give notice, and time for a pre-employment physical. The background check is what takes the time. Russ felt that 1 week of advertising is all that's needed. Betsey felt 2 weeks are needed. Russ said that all positions don't need a background check or physical. Joel agreed with Betsey that 2 weeks of advertising is needed and to be standardized. Joel asked all of the Selectmen to review this procedure and come back with their recommendations. Carter will email the Selectmen this version.

5. Review for Approval: Action Re: Update on Field at Playground Drive: Carter reported that they are closing in on a concept and the cost. Prior to going deeper into designing, he would like to have a public hearing on August 25th at 7 pm to provide information to the public. This would be on not only the design, but the idea that we were proceeding along different lines than what we told the Town Meeting when we asked for the appropriation. The Selectmen have their work session on that day at 4 pm. Betsey reported that she sat in at the meeting with the engineer and Donna Kuethe to look at the plan and found that one option was not feasible. She agrees that a public hearing is needed and felt that the CIPC should also attend. It was apparent that construction will not start this fall. Joel asked and the Selectmen agreed that the public hearing on August 25th will begin at 7:30 p.m. instead of 7 p.m.
6. Review for Approval: 2012 Town Meeting Date, March 17, 2012: Carter reported that Mike Lancor asked if the Selectmen wanted to have a combined Town Meeting with the School District. Everyone agreed that this was working out well, holding Town Meeting on Saturday directly following the school district meeting. Ed asked about the possibility of having Town Meeting in May and Carter responded that this has been considered for the quarterly tax billing and the ABC will report on this.
7. Review: Resignation of Darcy Boyle, Town Clerk Assistant: Joel acknowledged Darcy's letter of resignation and the Selectmen accept it with deep regret.
8. Review: Resignation of Kaitlin Sampson, Recreation Activities Assistant: Joel acknowledged Kaitlin's letter of resignation and the Selectmen accept it with deep regret. He added that they were pleased that she stayed with the Town as long as she did.

VI. OLD BUSINESS:

1. Lakes Region Conservation Trust, 2011 Exemption: Carter reported that Don Berry will attend the next meeting, August 18, 2011.
2. Castle in the Clouds Preservation Society, 2011 Exemption: Ann Hackl, Chair and Michael Desplaines, Executive Director addressed the Selectmen. Ms. Hackl introduced the Castle's accountant, Jack Callahan and their attorney, Bobbie Hance. Ed said that he had no problem with their figures, but was upset when he learned that the "free tickets"

that they were told were available at the Library, are in fact a season's pass that the Library purchased for \$200, which is to be lent out to Library patrons. Russ said that he reviewed all of the 990's submitted and found that there were inconsistencies from year to year, adding that he felt it was creative financing with all of the depreciation. Mr. Callahan said that the 990's include donations that were made and are specifically for restorations and the \$190,000 profit was from fund raisers and dedicated to restorations. Russ said that despite all of the letters that they received, there are other non-profit organizations in Town and it doesn't cost money to use/access them. At the Castle there is a cost for everything and he does not see a charitable benefit to the Town. Mr. Desplaines argued that based on Russ' argument, then hospitals shouldn't charge as they are non-profit. Museums charge fees. Russ said that he couldn't compare the two, adding that there aren't any public relations and the Town's residents don't know what is available to them at the Castle. Attorney Hance cited the McDowell case, which states raising money to support charities is for the general good. The Castle is historical preservation for the public at large and has a broader public purpose. The state statute states it should be for the larger public purpose. Betsey said that it is for the public good preserving the Castle property, but as a Selectman she would like to see more opportunities for Town residents. As an example she spoke of one camp that gives out camper scholarships. She suggested having flyers at Town Hall advertising these opportunities. Ms. Hackl commented that they have many Town volunteers and that they advertise weekly in the newspaper and offer many educational opportunities for adults and children. They needed to institute a fee as the events were attracting too many people to be effective and it had become unmanageable. Many of the presentations are free and anyone can drive up the back road to picnic, walk and hike, etc. Joel commented that he was disappointed to hear that the Library had to purchase the season pass. Ms. Hackl said that last year they gave out 65 free tickets to the Library. Russ said that the Town gives a lot to the Castle in the way of road maintenance, etc., and was hoping that they would give something back. Joel thanked Ms. Hackl for providing the information requested. Ed Made the Motion to approve the Castle Preservation Society 2011 Charitable Exemption. Betsey Seconded the Motion. Russ again asked what the Castle will do for the Town. Ms. Hackl replied that they will do a better public relations job to reach out to residents. Jim Stoddard said that as a volunteer, it is his job to disseminate flyers and he will be sure to bring them into Town Hall. Andy Coppinger wanted the Castle's Board to know that residents do appreciate that it is the single most important property in Town. People from all over the country come to visit. While he appreciates the Selectmen's concern for the taxpayers, he feels that the Castle does benefit the Town. Mr. Desplaines, when asked by an audience member what his salary was, stated that he doesn't need to disclose this or any other individual salaries. Salaries as a whole are reported. Joel called for the vote: 4 Ayes and Russ abstained. The Motion carried.

VII. OTHER BUSINESS:

1. Legislative Update: Betsey reported that they have been off during July. There have been a few vetoes to over-ride parental notification, sprinkler system requirement, minimum wage, etc. She added that many people aren't happy with the budget cuts, but it is now a balanced budget. Any new bills have until October to be filed.
2. Board Liaison Reports: Betsey told the Selectmen that the CIPC had more questions. They will be holding public hearings scheduled for August 22 and 29, 7 pm at Town Hall. She asked if projects approved prior to the 2010 Town Meeting, such as the playing

field and lease of the grader, does the Selectmen want the CIPC to make a recommendation. Russ commented that if it is approved at Town Meeting, then it is done. Betsey asked about the soccer field. The CIPC is concerned that they need to review it to report. Peter Jensen, a CIPC member, gave as an example the Pathway Phase III, which hasn't been started yet. Joel said that the CIPC should review the third phase. Betsey added that she let the CIPC know that the third phase won't start until the second is fixed. Mr. Jensen asked if the Town has to appropriate additional money, then should the CIPC review it. Carter said that any new funding over \$10,000 should be reviewed. However, they should not look back if it has already been funded. Nancy Wright asked about the money set aside for the soccer field at the Lions' Club and repair at Playground Drive, when the Blue Ribbon Commission reported that a second field wasn't necessary. Joel corrected her by saying the BRC said to go ahead and fix the Playground Drive field first. He added that the engineer will make his recommendation at the public hearing. He reminded everyone that the original study to fix the field at Playground Drive had been done by the previous engineer. Some projects done by the previous engineer have been found to be not satisfactory. What is needed is to find out why the field is sinking. Betsey said there would not be anymore engineering studies until after the public hearing. Betsey asked if CIPC's recommendations should also be in the Town Warrant. Carter that the RSA did not require this. Ed reported that the Planner Screening Committee has 3 candidates for the Selectmen to interview. He said that it was an interesting process, holding an interview via Skype, as one of the candidates was on National Guard duty.

3. Administrative Update: Carter stated that other than his weekly update, he didn't have anything else to add.
4. Milfoil Committee Minutes, July 13, 2011: Acknowledged.
5. Zoning Board of Adjustment Minutes, July 20, 2011: Acknowledged.
6. Capital Improvements Program Committee Minutes, July 20, 2011: Acknowledged.

VIII. CORRESPONDENCE:

1. Time Warner Cable, July 5, 2011, Possible Program Changes: Joel reported that this was their usual letter of possible program changes.
2. Kim Prause, Rock Pile Real Estate, LLC, July 29, 2011, Re: 84 Gov. Wentworth Highway: Ms. Prause asked the Selectmen to consider giving her the Town's right of way for this property, as she would like to open a bakery/coffee shop out of the residence. She has spoken with Scott Kinmond who told her that he did not see any immediate need for the Town to keep the right of way. She also talked to the CEO, as it is a nonconforming lot. There would be no exit on to Route 109. She needs the right of way to renovate the building. Joel asked Carter what would be needed to do this. Carter replied that in order to abandon the right of way, a public hearing would need to be scheduled, and then it would need to be on the warrant for Town Meeting. Ms. Prause explained that the state offered the right of way to the Town when the new Route 109 was constructed in the late 70's. The piece is .06 of an acre. Carter recommended having staff review it and make their recommendations, along with the Assessor providing a market value. Ms. Prause asked if the Town could give a temporary easement to allow her to start construction. Russ said she should write a letter making this request, but she's taking a chance as it still needs to be approved at Town Meeting. Carter added that even if the Town were to sell it or give a long term lease, easement or license, it does not assure that the Zoning Board of Adjustment will approve. Carter will check with Town

Counsel, and he too warned that it is a substantial risk. Russ and Ed recommended that Ms. Prause go to the Planning Board and request a preliminary/informal hearing.

- X. **CITIZEN INPUT:** 1) Nancy Wright asked if Town Fellow, Mike Branley has an update on the question of the Recreation Department and School Athletic Department. Carter replied that he is still gathering information. He will be conducting a survey of those who use the school athletic programs and the Recreation programs. When Ms. Wright suggested that the survey should be done Town wide, Russ replied that he's to look at the question objectively, and not let public input sway his report. 2) Hollis Austin suggested that the Town could save a lot of money by not renewing the contract with LGC.
- X. **NON-PUBLIC SESSION:** None needed.
- XI. **ADJOURNMENT:** Betsey Made the Motion to Adjourn. Ed Seconded the Motion. Motion Carried Unanimously. Joel adjourned the meeting at 9:02 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant