

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

Selectmen's Work Session

April 26, 2012

MINUTES

Present: Selectmen: Joel R. Mudgett, Chair, Edward J. Charest, Betsey L. Patten, Jonathan W. Tolman, and Russell C. Wakefield; Carter Terenzini, Town Administrator.

- I. CALL TO ORDER:** The Chair called the meeting to Order at 4:07 P.M.
- II. TAX DEEDED PROPERTY MEMO:** The Town Administrator worked his way through a memo dated April 23rd relative to a number of issues that had arisen during the course of preparing for the annual sale of tax deeded properties.

Notice of Error: Map 180 Lot 52 was on the list of tax deeded properties in error as it had been deeded to the Town by the owner as a gift in the 1950's. The TA recommends that the parcel have an * placed next to it on the property record card which indicates it is being kept for municipal purposes. It was also found that the parcel may intrude into the Right of Way. It is recommended that the property be surveyed (\$1,500) to check this and to produce a recordable plan. Betsey does not want to dispose of the property as people use it to access the lake. Russ wonders what value it is to us and thinks it might raise a good price while Jon thinks we might want to survey it. Joel suggested we survey it and then see where we are. The consensus was to survey it and then revisit the issue.

1. RSA 80:90 15% Additional Penalty: Our current policy has been called into question by an owner who wants us to waive the 15% penalty. Town Counsel spoke to the 15% penalty which needed to be added to each redemption of tax deeded property. He said it had been addressed by three warrant articles none of which were really perfect but, overall, the BoS has authority to waive it in his opinion as "Justice may require". He felt any current questions on the Board's authority can be easily addressed with a properly worded warrant article. He said that some Town's always waive the penalty, some do it sometimes and some never do it. The issue is standards the Town uses need to be consistent. Joel felt we should not waive it. Jon felt the penalty was mandatory while Town Counsel pointed to a section of law that says nothing shall preclude a municipality from offering more favorable terms (of sale) to the original owner, so you are back to, "As Justice may require". Susette says we have had eight similar parcels acquired and have charged at least seven of them the 15% penalty. Town Counsel spoke to the courts having upheld the imposition of the 15%, but challenges have not yet made it to the Supreme Court. The Consensus is to not upend the past practice and to continue to charge the 15%.
2. Taking Financing Back: The next question came as to the possibility of allowing someone to redeem their property by the equivalent of a mortgage agreement perhaps with a substantial down payment sufficient to clear the taxes. After a discussion of the various risks to us from bankruptcy and the challenges of administering such a program, the consensus was to further explore this option.
3. Waiting Period: As with the imposition of the 15% penalty, it was found that some Town's strictly wait out the 3 year (owners known) and 10 year (owners unknown) redemption periods on sales; some towns always wait, some do it sometimes, and some never do it. Again there was

a discussion of the pluses and minuses with a Consensus to leave the current practice in place and wait out the redemption periods.

4. Annual Auction: With the above matters settled the TA noted there was only one parcel ready for auction this year. He reported that 10+/- parcels were really best for maximum pricing and to justify the effort. The Consensus was to not go forward with an auction this year.

III. **1st QUARTER FINANCIAL**: Heidi presented her financial report for the 1st Quarter and made note as to why a few items were running at rates higher than the time trend. The Town Administrator noted that Police overtime was of some concern (adjusted to 39% expended over a 29% time line), but that had hopefully settled out as officers used excess time from the conversion to the new Absent Leave Time Policy. He also pointed out that the Milfoil Committee was expecting to receive the grant reimbursement while these normally went into the general fund. The Board needed to think about the policy on this, but more importantly we needed to make sure the warrant articles accommodated such a transaction if agreeable to the Selectmen.

IV. **BACKGROUND CHECKS**: Donna Kuethe gave an overview of her current practice for all coaches and those over 18 who are left in charge of children being checked (\$17.50). This is done once a year. She reported that one problem, only in NH, is that the SSCI system can no longer access District Court records. NH RPA is looking to amend the statute to allow for that as many are non-profits and associations. She reported that the Town currently pays \$15 for driver's checks and \$51.50 for criminal checks but SSCI doesn't get driving records unless it rises to level of court violations. The TA reported on the proposed Town/School sharing of background checks, but the legislation is just now an idea and tentative. Consensus is to leave the current practice as is, but give a stronger notice of liability to coaches and others who might drive participants in an unofficial basis as a favor for a parent with the permission of that parent.

V. **ABSENT LEAVE**: The TA gave an overview of the proposed transition to the Absent Leave system recently adopted by the Police and the various options in his memo of April 12th. Betsey asked how the staff felt. Jon reported that the staff he had spoken with were concerned over grandfathering the time they had under the current cap. The TA said the staff he had spoken to were about ½ and ½ in favor or opposed with there being some recognition that Option 4 was a nice way to "bank" the excess over not losing time they already had above the proposed cap on time that could be accumulated. Donna Kuethe was asked what she thought and responded that the idea of one pot of time was very appealing. She noted that no one is really losing since the time over the cap was sick leave they would never use unless they were sick and that Option #4 is a nice compromise. Joel said we sometimes had meetings on these issues but did not always get good attendance or feedback. He suggested we send a letter out to employees saying we were thinking of Option #4 with any time now on the books in excess of 490 hours, and ask for feedback. Susette said her employee likes the idea also as she is never sick. At least if it's in the bucket she can use it. Jon thought this system would be more comfortable to manage. The Consensus was to send a letter out to employees and ask for their thoughts.

VI. **LEE'S MILL**: The TA reviewed his memo of April 12th as to proposed changes to the leases. The Consensus was to approve the changes to the lease, raise the annual fee to \$275, and research how much money was in the Trust Fund toward improvements planned (new 5'x20' docks) in 2013.

- VII. TERM ENDING:** We had been moving the end dates of committee appointments from the end of March to the end of June 30th to accommodate the potential move to a fiscal year and give new Boards of Selectmen more time to consider the appointments after they took office. Betsey thinks this should line up with Planning and other such terms and Russ agreed. The Consensus was to roll back the June 30 terms to end March 30 as they came up and to not extend this practice for June 30th as end dates any further.
- VIII. BID OPENING:** The current practice of staff opening the bids and the question was whether or not to go back to the bids being opened during the Selectmen's Business Meetings. Betsey said she attended the bid openings today which took about 25 minutes. She remembers watching Karel and others struggling through the openings. She felt the way we do it now is the most efficient and is O.K. about not opening them at board meetings when the present practice is efficient. Jon thought we should stay with the current practice as long as we have one or two Selectmen present. Joel agreed and said that whenever possible we would do that in the future. Consensus was to leave the current practice as is, but to try to get at least one Selectmen to attend.
- IX. OTHER MATTERS:** Russell said that during the prior evening's Planning Board Meeting had a discussion of the context sensitive solution on roads and asked it be put on the next workshop. HE also raised the matter for Vendor's permits. The TA reminded all that discussion had been put on hold over some potential changes in the law. Betsey will get the current legislation to the TA who will confer with the new Police Chief and report back.
- X. ADJOURNMENT:** There being no further business, the Chair adjourned the meeting at 6:10 p.m.

Approved

Date

Respectfully Submitted

Carter Terenzini, Town Administrator