

**OFFICE OF SELECTMEN
6 HOLLAND STREET
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Selectmen's Work Session

December 7, 2012

MINUTES

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

ABC Present: Jean Beadle, Barbara Sheppard, Betsey Patten

Absent: Alan Ballard, Kathy Garry (both with prior notification)

The Chair called the meeting to order at 9:04 a.m.

The Town Administrator distributed supplemental information including a six year history of the Town Clerk's salary, updated Draft of the warrant adding zoning questions, one petition, and the idea of non-lapsing (until 2014) for the software money. He said the Zamboni question had been sent to Donna Kuethe, that Scott advises that Air Gas says they cannot do an ownership tank program on tanks greater than 100 lbs. which ours are, and that the Ballot Clerks had been moved to \$9/hour only this year from \$7.45/hr.

1. ODS Budget(s): Bruce Woodruff, Town Planner, said that the current year was on target year to date with no major variances. Building permits were on track to be slightly above (10%±) than FY 2011 and site plans, mergers, lot line adjustments, and the like should be about double FY 2011. Revenues are on track. He gave a brief overview of code violation statistics which will now be compiled for tracking and advised Jon that 90% of these were in response to a citizen complaint. He then moved into a presentation on his budget starting with the GIS component. The GIS Coordinator stipend, which he believes is merited for the added complexity and skill required at the level we are operating, which is far above that envisioned, would be for a person and not his position. He reviewed the five year plan explaining how it had shifted from last year's to reflect accomplished work and new goals. Russ asked what the annual update costs are and Tim Fountain of Cartographic Associates explained the annual \$1,800 public site and \$900 staff site costs for a combined 40 gigabytes. He says we won't approach that for three years. The costs to update the layers themselves depend upon how we get him the data such as paper, versus him collecting it, versus electronic form (no costs for this). Jon asked if he could use the data for zoning, building, etc. applications and was advised certainly for concepts, but otherwise it depends upon the accuracy of the original data (some are actual surveys). In looking at the build-out plan; Jon asked if some mapping (dogs) would be for the staff or public sites and was advised by Bruce that people could have this redacted. Carter said he had to disagree as such redactions might undercut the entire reason for the mapping and suggested the BoS sit with the department heads to learn the reasons for their request (Police for dogs, Fire for handicap persons in need of assistance), and to discuss what they wanted and why before making such a decision,. In any event, such "strategic" information would be on the staff site and not the public site. Tim went on to report the GIS portion of the site had 21,000 "hits" this past year with an average time being spent on a page of 6 minutes.
2. Peter Minkow, Town Counsel, joined the meeting to discuss our current approach to law suits and how much "weight" the Town should carry when an abutter challenges an approval. He said

there is a fine line between what we must do by law; file an appearance, file an answer and create a “certified record”. Mr. Minkow said he is not involved in the applicant’s case from the get go and the applicant clearly have a better handle on the issues and more at stake in the outcome. As to the certified record, we must prepare a transcript of the meeting from the audio tapes if we keep them. This is why most Towns he knows of do not keep tapes after approval and instead rely on the approved minutes. He noted how expensive transcriptions are and that he has advocated not keeping the tapes after the minutes are approved. This also avoids the staff time required for review of certified transcripts by the staff. Aside from that the other means of controlling expenditures is to discuss our philosophy as to the depth of our involvement. Bruce felt it was important to remain involved in cases which defend the ordinance itself and against any allegation of improper conduct. Jon asked why the applicants, who have jumped through our hoops, should then have to incur the cost of defending our approvals and actions. Peter said that there was not a bright line, but more of a general philosophy and Betsey said that we would need to lay out some objective parameters so that it is not too subjective. Joel wondered what the impact might be of a decision to not keep the tapes if we had a video on record. Carter said that litigation to date had been scattered and the Selectmen often had no idea of how many suits were out there. He had introduced a quarterly status sheet to track the cases which will put the BoS into a more active role as manager of the cases so they can see the actions being taken and be better positioned to address them.

3. Kimou Koulet, Executive Director of the Lakes Region Planning Commission, joined the meeting to present on LRPC’s services, expenses and revenue (which from dues has been relatively flat since 2007 or so with increases lagged behind the CPI since 2004). He said the dues formula has been a regular topic of discussion at least five times since his employment with LRPC. It is based 50% on population and 50% on equalized valuation; add those two and dividing by two. He said it was thoroughly reviewed in 2007-2008 at the Town’s request and the decision by the Commission was to stay with it. Russ said his problem with the formula is the Town always ends up putting in more because of our higher property values. He said of course the others like this formula and wondered if there wasn’t a better way, such as user fees. Joel said the Lakes Region Mutual Fire Association had switched to a similar hybrid formula to soften some of that. Betsey suggested we look at what others pay and then if we see another way (LRMFA) we can ask the LRPC to consider it, but did not believe that we should go without being a member. Jon agreed that if we are concerned with the formula we need to address that with a proposal and did not think we should leave. He said it is not so much the total amount of the dues, but the formula. Ed said that we need to remember that we have a large land mass and shoreline and vested interest. In response to the question about a user fee, Mr. Koulet said the LRPC is a voluntary association of communities that needs a base funding. Everything else is grants and contracts. He said the formula has withstood the test of time and he would hope for at least a healthy compromise as to how we get to this. He said Moultonborough has been the most insistent about the use of the relative wealth factors and he would like to think we could come to an agreement and put these basic conversations behind us and focus on the issues before us. Bruce and Marie Samaha of the Conservation Commission spoke to the services the LRPC has provided to their units. Joel said he has not heard anyone say LRPC isn’t doing a great job for us, but the issue is just the formula. Jon said it sounds like we may be using LRPC services more than others so it is reassuring to hear we are getting our value. Russ agreed Town is getting its’ monies worth, but wondered if over and above our dues, are we getting a large percentage of the projects. Joel said he recognizes they need a baseline income. Betsey suggested the Town should try to come up with a formula it liked and then bring it to the LRPC for discussion. Jon asked Mr. Koulet if he saw any “fine print” in the Granite State Futures program, noting some

local concerns over it being “top down” which shifts local control (zoning, etc.) up to the state or others. Mr. Koulet said he did not, noting you need to follow the elements in the grant application, but fundamentally the communities own and implement the elements of the plan that they wish to as it is advisory only.

The Board recessed at 11:02 a.m. reconvening at 11:07 a.m.

4. Marie Samaha, Chair, Conservation Commission (ConCom) addressed the Mud Pond/Salmon Cove initiative noting the 2007 Natural Resources Inventory (NRI) considered this resource a priority for preservation. She said the NRI recommends that any time land comes up for preservation in this area we should look at it. The ConCom has committed \$10,000 of its fund (which comes mostly from the Land Use Change Tax) toward the acquisition in accord with Town Administrator’s memo of 12/04/12. Russ asked if there would be others in that funding mix and learned, at present, no but that the Town would be pursuing state LCHIP dollars and any other sources it could identify. The TA said that presently the property paid \$600+/- in taxes, but when placed in Current Use next year that would drop to \$25+/- . He said there was much more work yet to be done, but the staff needed to know the Selectmen’s sentiment before moving forward any further. Joel asked if this was for the expansion of the DPW and learned this was off the table as of now. The reasons for acquisition were cited as (1) eliminate a potentially problematic right of way across the Highway Garage land; (b) eliminate potential problematic abutter issues; (c) address one of the ConCom’s highest priority sites for conservation efforts; (d) provide potential expansion of Playground Drive’s nature trail; and (e) provide potential mitigation of Town wetland impacts through “preservation”. Jean Beadle asked if the property will go on the open market and was advised we did not know, but that it certainly would be sold with the right of way across Town land as the means of access. Betsey asked if the owner was a willing seller and was advised they were and at the appraised price.
5. Peter Jensen, Chair of the Milfoil Committee, spoke to his committee’s request noting that it had been a tough year due to the weather which led to significant re-growth. He noted that at some point they will have to go to the “low density” areas and the plants pulled per dollar will go down dramatically. Of the \$195,000 appropriation some \$51,000 came back in a grant from the state so it was a net \$144,000 in tax levy dollars.
6. Bruce Woodruff, Town Planner capped off with a review of the several zoning ordinance amendments being proposed.

The group recessed at 12:10 for lunch and reconvened at 12:35

7. Fire & Rescue and Emergency Management Department: Chief Dave Bengtson gave an overview noting that he had a supplemental request to upgrade the File Clerk to that of Office Clerk. He was asked to research the Fire Tower issue as to whether or not the “same amount requested for 2013 was requested for 2012” and is the \$100 recently invoiced or the \$5,000 budgeted in 2012. Joel noted the Town’s commitment also required an explanation of how this service was organized and being funded. Jean Beadle noted the ambulance contract had two prices and wondered if the contract had recently been renewed. The TA advised that we are in the second year of five and pricing runs from July 1 to June 30th. The Chief gave an overview of his current inspection program, which he is stepping up, and noted that the Selectmen may begin to get some communications from some business owners. He said he works with businesses and property owners for compliance, noting that he even mails out a self inspection package ahead of time so the businesses can prepare for him. Jon said he has had some feedback

and the program is important to do as long as we are approaching it from the perspective of trying to work with business owners. The Chief noted the owners were also advised of their appeal avenues. Jean asked if all staff were provided with a cell phone stipend and learned they were not. The full-time staff receive the stipend while the call Firefighters are supplied with Motorola pagers for texts on fire locations. As to his request, the Chief noted there were only two real disagreements between he and the Town Administrator, with one being over backfilling all three full time people in the event of a vacancy, and the other being a lump sum disallow on account 00800 (pg 66) where he felt the expenses were too fixed to absorb the cut. Joel said he was not sure he could agree with backfilling the third position and Jon asked what the overall staffing picture was. The Chief advised that he has 43 call people with the majority being in their 30's and into their full time careers. These personnel were not as available during the daytime and he is able to get only about 6+/- for calls. He did note that the majority of the calls were for EMS. There was a discussion of how the revenue and expenses for the Supra Boxes was accounted for which the TA will report back on.

8. Police Department: Chief Wetherbee gave an overview of his philosophy on policing which would serve as background for some of his requests (hand held radar for one). His budget is up 0.15% noting there is no independent prosecutor (\$75,000) and those duties have now been absorbed within the department. He felt that Sgt. Fulton was doing a great job and this was no longer an experiment. He noted that his overtime request had gone from \$90,000 to \$120,000 and attributed that to the Collective Bargaining Agreement, hindering his ability to re-assign shifts on short notice; which is very common in most such agreements. He felt we have "sifted out" the transition to the new leave time policy and settled in at normal patterns. He plans an adjustment in January to shift patterns and expect to trim this over time number down. He is fully staffed at dispatch and has discussed with staff the potential 2014 change in hours due to the provisions of the Affordable Care Act, requiring health insurance for those who work more than 30 hours. He is not asking for a change in structure (e.g. a Lieutenant), but felt people need to know who they are relying on for a #2. He will be asking for a stipend for the "Operations" Sergeant and the Prosecutor duties within his overall budget. He is assessing the future of the canine program which really hinges on the health of dog (1+/- yrs more). He plans to spend time to put together objective data on its use and dollars for the Selectmen, noting that information will give him the ability to "toss in my vote". The largest issue is if we are ready to take on a new dog with our staff if need be, noting there is a personal relationship between a good dog and a good handler making a good fit. He also noted that the handler must have a very stable home life as the dog can't be moved around (apartments). Chief Wetherbee said the odds are a little heavy for him to say he'd like the program to continue, but we will have to see how it goes. As to the Community Substance Abuse fund he noted that in the past there had been a community organization structure which is now inactive and he will be looking at how it's used. He said that everyone involved feels strongly the past expenditures have reduced crashes and the like, but he wants to sit down with the SAU Superintendent and find alternatives and program ideas. He said that funding must equal cost effectiveness. As to the proposed cruiser expenses, the Chief noted that one problem is the equipment from the old cars doesn't fit in the new ones, so there is an initial transition which is expensive. We currently have the sedan which is a nice vehicle (with a 20% fuel savings) and he is looking to make the utility vehicle the standard. There is little to no room in the back seat of the new cruiser making many departments call for a transport of prisoners in larger vehicles and the department doesn't have those resources. He said the price difference is about \$2,000. Commenting on the positive image of the new black and white, Chief Wetherbee said that right now it's like we have two departments. At one car a year it will take five more years to transition, yet right now the exterior of some are having problems with

the paint job. He would like to paint two of them black and white, which with the new purchases will get it done in two years. The consensus was to sign off on the painting of two cars. Jon asked about the empty patrol position with the Chief saying he is asking for it to remain funded for now as he works out the new shifts and can review a longer period of data.

9. With this final presentation done the TA asked how the Selectmen and the ABC wanted to proceed at its meeting of 12/14. Joel asked if the ABC was satisfied and if the Selectmen wanted to pull anyone back in. Jean noted she had questions about the Recreation Revolving fund, but didn't think they needed the department back in. There were no call-backs proposed by anyone although one item noted was the need to discuss the several pay re-classification requests. Russ expressed concerns over the grade/step automatic raises with Betsey noting they are not approved unless there is a positive performance review and the Selectmen has in fact held some back. This triggered a discussion of merit pay and the challenge of getting to such a system with Jon noting this was good discussion, but not one for this year in the midst of the budget cycle. The Town Administrator thought the Warrant would provide a good checklist and he would try to get out a set of the priority items needed in order to keep us moving forward (e.g. COLA size, ConCom land purchase) prior to 12/14.

There being no further business the Chair adjourned the meeting at 2:55 p.m.

Approved

Date:
Respectfully Submitted
Carter Terenzini, Town Administrator