

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

Selectmen's Meeting

July 3, 2014

MINUTES

Present: Selectmen: Jonathan W. Tolman, Chair, Joel R. Mudgett, Vice Chair, Paul T. Punturieri, Christopher P. Shipp (absent with prior notice), Russell C. Wakefield; Carter Terenzini, Town Administrator; and Hope K. Kokas, Administrative Assistant.

I. CALL TO ORDER: Jon called the meeting to Order at 7:04 P.M.

II. PLEDGE OF ALLEGIANCE:

III. REVIEW / APPROVAL MINUTES: Joel Made the Motion to approve the June 19, 2014 minutes as written. Jon reported that the regular minutes of June 19th needed to be amended, Item X. Non-Public Session, crossing out "...having voted by a vote of 2/3 or greater of the members present to seal the minutes until the claim or litigation has been fully adjudicated or otherwise settled." The Selectmen did not vote to seal the Non-Public minutes. Paul asked that under Item VII. Other Business, 3) cross out "in place of Chris", as he attended the meeting, but not in place of Chris. Paul commented that they have yet to receive the draft minutes for the work session of June 26th, which has been 5 days. He suggested that they vote to approve the video as the official minutes. Carter replied that they have 5 business days and he will have the draft minutes available by Monday and for their approval on the 17th. Russ said he was not in favor of using the video as their official minutes. Paul Seconded the Motion with the amendments made. The Motion carried Unanimously.

IV. CITIZEN INPUT: 1) Al Hoch reported on behalf of the Milfoil Committee that the Balmoral Canal is a success story. Two divers pulled 5 gallons of milfoil and cleaned it up. 2) Linda Punturieri thanked Highway Agent, Scott Kinmond for painting the yellow lines on Old Route 109. 3) Clelia MacKay asked why Long Island Beach is closed. Carter reported that the swim area is closed due to high levels of E. Coli bacteria, but the beach is open. He said that the state notified Town Hall today at 3:45 p.m., and unfortunately we can't retest until Monday morning, with a 24 hour turn-around time. Carter said he doesn't recommend swimming and it is an unfortunate decision that had to be made. Although the swimming area will not be staffed with life guards, you can still sit on the Long Island beach or go to States Landing beach to swim which is OK. The Selectmen agreed that it was best to not staff with Life Guards, as the closure signs that are posted at the beach would make it confusing for people.

V. NEW BUSINESS:

1. Review for Action: Consent & Signature File:

DATE	DOCUMENT	MAP/LOT#
7/3/14	2014 Excavation Tax	141-011
7/3/14	2014 Supplemental Tax	213-017-000-CG0-020 & 056-001
7/3/14	Administrative Abatement	107-008
7/3/14	Application for Construction of Driveways	140-011-003
7/3/14	Disposal Agreement	044-004

- Jon read the Consent & Signature File. Joel Made the Motion to approve the Consent & Signature File for July 3, 2014. Russ Seconded. The Motion carried Unanimously.
2. Review for Action: DPW Request to Authorize Chip/Crack Sealing Contract: Jon reported that in Scott Kinmond's memo, he is requesting that the bid process be waived, for a total of \$68,000. Russ commented that this process was done on Old Mountain Road, which was a nice job, and well worth the money. Jon asked about chip sealing. Scott replied that if the road is crowned, the snow plow catches it resulting in some peeling of the material. He added that the roads slated for this year are all residential roads, which will be crack sealed first and then chip sealed. Scott felt that this process extends the life of the road. He told the Selectmen that All States Asphalt has the proprietary market on chip sealing for NH and MA, and is an approved NHDOT/NH State Purchasing vendor, which is the reason for waiving the bid process. As this vendor has been through the state's bid process, it saves towns' time and money. Paul Made the Motion to approve the contract with All States Asphalt for \$68,000 as written in the Road Agent's memo dated June 23, 2014, and authorize the Road Agent to sign. Russ Seconded and the Motion carried Unanimously.
 3. Review for Action: DPW Request to Authorize Uniform Services Contract: Road Agent Scott Kinmond told the Selectmen that going with UniFirst for uniform service will be a significant savings for the long term and we will be getting more for the money. Joel Made the Motion to approve the contract with UniFirst Corp. for uniforms for the DPW, authorizing the Road Agent to sign. Paul Seconded. Russ asked and learned that this included the WMF was for all divisions of DPW. Paul commented that it is a \$3,000 savings per year. Scott told the Selectmen that he joined the National Joint Powers Alliance, which is a government agency with a free membership and it will be a real cost savings for the Town. The Motion Carried Unanimously.
 4. Review for Action: Re-Appoint Bruce Woodruff, LRPC-TAC: Russ Made the Motion to reappoint Town Planner Bruce Woodruff to the Lakes Region Planning Commission's Transportation Advisory Committee with a term to expire July 29, 2016. Joel Seconded and the Motion carried Unanimously
 5. Review for Action: Trustees of Trust Funds, Alternate Appointment: Jon reported that the legislature has made a change to allow for two alternates to be appointed to the Trustee of the Trust Funds for a one year term. The Trustees have recommended appointing Robert Margeson. Paul asked for more information about Mr. Margeson and Carter responded that the information he received was provided to him from Trustee Chair, Paul Ardito. Paul Made the Motion to Table this appointment until they receive additional information/résumé. Russ Seconded and the Motion carried Unanimously.
 6. Review for Action: Amendment of Personnel Policy: Jon reported that they have had to revisit the cost of living adjustment (COLA) and how it is treated. Carter added that he spoke with Jon several times after the work session over long unresolved issue. This is an adjustment of the wage scale based on the CPI-U. The Selectmen need to resolve the question: Is this a raise or an economic equalizer? The answer impacts the evolving work on the evaluation process and potential revision to the step increase process. Carter provided the Selectmen with an amended version of the Personnel Handbook for their consideration in an attempt to resolve this long standing question. Jon said that Chris, who had to work tonight, feels strongly that a COLA is separate from a pay increase. Paul thought that a COLA is likely to be automatically given yearly, where a raise is based on performance. In his experience in the private sector/medical field profits are minimal and there's not much to go around. He thought government works differently

and if more money is needed, then raise taxes. Jon asked Carter how much was given this year and learned that for the past two years the COLA has been 2%, with the rationale of getting the new contribution schedule for health insurance fully implemented. Russ said that the COLA helps salaries to keep up with inflation. However, he is opposed to employees automatically receiving a step raise, especially for those who just do their job. Joel disagreed, thinking that if they are just doing their job then they shouldn't even get a COLA. Paul thought that after the Thornton Study is done and the evaluation tool improved that this should change. Jon thought that would be the case. He thought the step raise should be given based on the yearly evaluation, and he is willing to go along with Carter's recommendation, that all employees receive the COLA to codify what we are already doing. Scott Kinmond said that the working group feels that the COLA is a maintenance tool, the compensation study can require significant jumps and the COLA helps to keep it more level. Discussion continued regarding private industry and disparity with municipal salaries, improving the employee evaluation tool, and the Selectmen working towards merit pay. Paul said he could vote in favor as long as the evaluation was above satisfactory and that they review this policy before the next Town Meeting. Carter said that he hoped to have the compensation study back to them in time for the budget cycle. The goal is to work towards eliminating the term "satisfactory" and going to a number formula. If Paul's suggestion is approved, to review it again, then they will be right back to where they started, defining the COLA. Russ said that with this new formula he wants to see the Department Heads rationale behind their recommendation. Joel Made the Motion to approve Carter's proposed amendment to the Personnel Handbook providing a COLA to all employees as stated in his memo dated June 30, 2014, without automatic step raises and moving towards merit pay. Jon Seconded. Russ – Aye, Joel – Aye, Jon- Aye. Paul – Nay. The Motion carried. Carter wanted the Selectmen to understand that merit pay is still not defined.

7. Review for Action: Amendment of Cemetery Policy: Carter told the Selectmen that he emailed them a second amended policy to allow artificial flowers and to require public notification on the amended policy. Joel said it was his recommendation to allow artificial flowers as they can look satisfactory and there is a place for them. Carter said that although this policy is stricter, it is more liberal than many other towns. Russ asked and learned that there would be no grandfathering of plants and shrubs planted prior to this amendment. Carter said he would have a public notice in the Meredith News to allow people to collect/remove disallowed items. Paul asked how one defines what is offensive or an improper object. The Selectmen agreed that it is based on the Sexton's judgment. Paul said that he would support this if there was an appeal process. Scott Kinmond said that the Selectmen are the Cemetery Trustees and he acts as their agent. He doesn't have time to police cemeteries and would likely act only upon receiving a complaint at which time he would refer it to the Selectmen. Russ thought the Town should mirror veterans' cemeteries policies which is very black and white, and all of these other things aren't allowed. Carter suggested tabling it to the next meeting to allow him to craft an appeal process, and in the meantime he asked the Selectmen to forward their thoughts to him for inclusion. Russ Made the Motion to table this item. Paul Seconded. Carter asked and the Selectmen confirmed that they are in favor of the proposed amendment with an appeal process included.
8. Review for Action: Amendment of Ambulance Contract: Carter told the Selectmen that he has a concern over the requirement to pay the full \$40,000 up front and before services are rendered. Jon said this amends the present contract, adding a paramedic which was

approved at Town Meeting. Paul Made the Motion to approve the amended Stewarts Ambulance contract as outlined in the July 3, 2014 proposal. Carter pointed out that it should state that it is an amended and restated contract, which requires ratification by the other three towns. Paul so Moved and Joel Seconded. The Motion carried Unanimously.

VI. OLD BUSINESS:

1. Blue Ribbon Site Study: Carter reported that the language now reflects two changes: Deletion of any concern of maintaining two separate structures, and the probable cost of construction should now refer only to the baseline building. The cost is \$17,000. Although this is not a public group, Carter said he will issue public notifications of the meetings and will have a web page created and meetings/minutes will be posted. They will allow questions if pertinent to the subject and if there is enough time. Discussion occurred about the group's ability to make decisions. Carter felt that the minor decisions could be made by the group, with the major ones made by the Selectmen. Joel Made the Motion to award the Blue Ribbon Site Study contract to CMK for \$17,000 and to allow the Town Administrator to sign the contract as outlined in his memo submitted to the Board on July 3, 2014. Russ Seconded. Russ felt that the Selectmen were elected to take on a task and the responsibility shouldn't be disseminated to the public. Jon thought that if Chris and Paul have any questions or concerns they will bring them back to the Board. 1) Hollis Austin asked for the particulars of the site study. Joel and Jon both replied that there aren't any specifics yet. Mr. Austin asked if this was a feasibility study and learned from Jon that it was a site study. The School Board is involved if it is located on school property. Mr. Austin asked why an architect is involved. Jon replied for a conceptual footprint and to identify what could and couldn't go where. Mr. Austin asked if there had been a lack of information from the Recreation Department. Jon said that wasn't the case and it was approved at Town Meeting. The Motion carried Unanimously.
2. Jon reported that the court found in favor of the plaintiff in Madison vs Town of Moultonborough's Zoning Board of Adjustment case. Regarding the Wallace vs. Town of Moultonborough's Planning Board, the court found in the Town's favor, regarding Rockpile, stating that the Planning Board acted lawfully and the court denied their appeal. Joel suggested and the Selectmen agreed by Consensus that if the Wallace's appeal again, that the Town go after the accumulated attorney fees.
3. Time Warner Cable Franchise Renewal: Carter said that although the request is not in keeping with the agreement, it is in keeping with federal statute. He asked that he as Town Administrator, be authorized to contact TWC to begin the franchise negotiations, to reach out to other towns, to allow Town Counsel to appoint special counsel that specializes in franchise law, and to develop a timeline for the process. Jon added that the federal statute requires an ascertainment process with public hearings for TWC's performance. Mr. Austin asked that the Selectmen be sure to include in the agreement that the cable company provide a facility with equipment and public training. Paul Made the Motion to commence with the TWC franchise renewal process as outlined in Carter's memo of June 30, 2014. Joel Seconded and the Motion carried Unanimously.

VII. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: 1) Russ asked Carter if employees will be notified of the availability to them of the recently undisposed surplus items. Carter

replied that a notice will go out in the next paycheck. 2) Paul reported that the CIPC met last Thursday and the process went well. As a member of the audience during the Village Vision meeting, he reported that the members expressed concern that the Heritage Commission's seat remains vacant. It was suggested that the charge be altered to allow someone from the Historical Society sit in Heritage's place. In addition, they expressed concern that Heritage has disassociated themselves from the Village Vision Committee. Carter stated that the charge was created by the Planning Board and if Heritage chooses not to fill their seat then that is up to them. He hoped that if they do alter the charge that they do it quickly, as there is a lot of information to catch up on.

2. Heritage Commission Minutes, June 11, 2014: Acknowledged.
3. Zoning Board of Adjustment Minutes, June 18, 2014: Acknowledged.
4. Planning Board Minutes, June 25, 2014: Acknowledged.
5. Recreation Advisory Board Minutes, June 9, 2014: Acknowledged.

VIII. CORRESPONDENCE:

1. Richard Brown, Resignation, Capital Improvement Planning Committee: Joel Made the Motion to accept Richard Brown's resignation regretfully. Paul Seconded the Motion. The Selectmen agreed that he did a good job. The Motion carried Unanimously.
2. Time Warner Cable, June 23, 2014, Possible Program Changes: Jon reported that this was their usual letter.
3. Carter spoke to the intersections in the 2014 Road Program which may not happen this year. Scott told the Selectmen that because of the need to obtain easements, they can't go out to bid requiring that they defer them to next year. Scott provided the Selectmen with the probable construction costs to replace the intersection projects with shim and overlay of Paradise Drive (upper section) and Redding Lane at the intersection of Route 25, to the old spring. Jon reminded everyone that the Town Warrant states that projects listed are not guaranteed to be done for this very reason. Scott said that the change order will be coming. Joel Made the Motion to authorize the Road Agent to proceed with these changes and authorize the Chair to execute a change order with the contractor in the amount of \$135,000. Russ Seconded and the Motion carried Unanimously.
4. Jon asked and Carter confirmed that he would be checking with the Historical Society Chair, Kathy Garry at 10 p.m. tonight regarding the possible cancelation of the parade and barbeque. If a decision isn't made tonight, they will talk again first thing in the morning. If it gets canceled a Code Red and Red Banner will be done. Carter added that Center Harbor has postponed the fireworks to Saturday.

IX. CITIZEN INPUT: 1) Hollis Austin commented that he attended the CruCon open house and found that the building was very attractive and environmentally green. He added that this area of Route 25 has more business activity than the village and is the kind of industry that will keep the young adults in Moultonborough.

X. NON-PUBLIC SESSION: None needed.

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

Approved

Date
Respectfully Submitted
Hope K. Kokas

Draft