

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

Selectmen's Meeting

November 6, 2014

MINUTES

Selectmen: Jonathan W. Tolman, Chairman; Joel R. Mudgett, Paul T. Punturieri, Christopher P. Shipp, Russell C. Wakefield and Carter Terenzini, Town Administrator; Hope K. Kokas, Administrative Assistant

- I. **CALL TO ORDER:** Jon called the meeting to Order at 7:00 P.M.
- II. **PLEDGE OF ALLEGIANCE:**
- III. **REVIEW / APPROVAL MINUTES:** Jon brought to the Board's attention that the public minutes of October 16, 2014 need to be amended, Old Business #2, page 4, regarding metal detection on the Adele Taylor property. The motion should read Joel, Jon, Paul voted *in favor of the motion*. Russ and Chris voted *against the motion*. Russ Made the Motion to approve the Minutes of October 16, 2014 (2) Public as amended and Non-Public, and October 23, 2014 (2) Public & Non-Public Minutes as written. Paul Seconded the Motion. Chris said he had concerns on the Non-Public Minutes of October 16, 2014. Jon said that he could submit his requested amendment to Carter, or discuss it in a Non-Public session. The Non-Public minutes of October 16, 2014 were tabled until November 20, 2014. The Motion carried Unanimously.
- IV. **CITIZEN INPUT:** 1) Joe Cormier asked if Non-Public minutes were available for public review, except for those that are exempt by the statute. Jon replied that during his time on the Board all of the Non-Public minutes have been voted unanimously to be sealed as they are most often based on reputation and he couldn't see how they would ever be made public. He added that once they are sealed, the Selectmen would have to meet and determine which minutes to unseal, which would be a very lengthy process. Joel agreed saying that they are all personnel matters. 2) Rebecca Velie asked the Selectmen to allow a Christmas tree lighting on the Adele Taylor property, and if possible providing an extension cord, source of electricity and any lights if available. Joel questioned if the building had electrical power and Carter said he'd find out. Various electrical sources were discussed, from using the power on the electrical pole for the wreaths, to requesting to use power from Huggins Hospital's office or the Laconia Savings Bank. Scott Kinmond reported that the electricity was on in the building. Paul Made the Motion to approve the request to allow Rebecca Velie as a community member to set up and schedule a Christmas tree lighting on the Adele Taylor property pending an electrical power source and donation of lights. Chris Seconded and the Motion carried Unanimously. 3) Hollis Austin told the Selectmen that he is experiencing car problems and recently he received a ride from Jon, which he appreciated. On Election Day, again faced with a lack of transportation, while walking on Moultonboro Neck to reach the polls, Andy Daigneau turned around and offered to give him a ride. Mr. Austin thought that this spoke to the level of caring of Town employees. Jon thanked Mr. Austin for sharing this with them.
- V. **NEW BUSINESS**
 1. **Review for Action: Consent & Signature File:**

DATE	DOCUMENT	MAP/LOT#
11/6/14	Veterans' Tax Credit – Approved	233-005
11/6/14	Veterans' Tax Credit – Approved	027-003-002

Jon read the Consent & Signature File. Russ Made the Motion to approve the Consent & Signature File for November 6, 2014. Joel Seconded the Motion. The Motion carried Unanimously.

2. Report: Police Chief Leonard Wetherbee Re: Towing Vendors: Jon reported that they have received inquiries about the Police Department's towing list procedure. In Chief Wetherbee's memo, he explained that they first call the two towing businesses in Town, DMJ and Moultonboro Auto, and based on their availability, then use a short list of towing companies outside of Town. Chris commented that this is not a Town policy, but the procedure that the Police Department has used for years. Russ said that he supports using in-Town companies first and then going to the list if those aren't available. Paul said he was OK with the present practice but thought the Chief should develop a policy for out of town towing companies. Russ said it is a problem that those who are having their cars towed are subject to whatever fees are charged. Joel said that the RSA's prohibit towns from setting a fee schedule. The problem exists that there is a towing company, while actually not in Moultonborough, but from this side of Town, may be closer than the two in Town towing companies. Jon asked and Joel agreed to work with Chief Wetherbee to develop a policy that addresses the use of out of town towing companies.
3. Report: ODS Re: 78 Long Island Road: Jon reported that they have received a timeline of complaints and the action taken by the Office of Development Services and the Code and Health Officer. Carter added that the Town Planner is asking that the Selectmen acknowledge receipt of this report and their satisfaction with ODS' actions. Joel so Moved and Paul Seconded. The Motion carried Unanimously.
4. Review for Action: NHECO Re: Potential Solar Farm @ Transfer Station: Jon introduced Gary Lemay from NH Electric Cooperative. Mr. Lemay thanked the Selectmen for the opportunity to explain what the NHEC is proposing. He is an Electrical Engineer specializing in solar photovoltaic (PV) arrays. He explained the changes in utility technology. NHEC is member owned and is looking for ways to serve members. They are required to provide a specific amount of energy by solar PV power. Throughout the country there is only about 25% of land that is suitable for solar power. He said that initially he talked with the Town Planner and Town Administrator to discuss this proposal. They all agreed that the Town's reclaimed landfill is useable for this purpose. NHEC would like to partner with the Town, providing income through the lease of the land and power to the Town. He is asking the Selectmen to decide if they have the interest to authorize the Town Administrator and the NHEC to continue this discussion. He added that he realizes that the Town has a process and public hearings will be required prior to going to Town Meeting. Mr. Lemay explained that there are several possible systems that can be used, and whatever system is decided must meet codes for wind and snow loads. Chris asked if the whole area would need to be clear cut. Mr. Lemay said that clearing would be required. However, they will provide a vegetation buffer, and set up a perimeter fence to maintain the public's safety. He explained that from the 8-10 acres, they hoped that the solar farm would produce a megawatt, which in electrical terms is a small amount of power. Carter added that until they have done the exploration they won't know exactly how much has to be cleared. Paul said he had a concern about any fencing, and asked how much electricity will go to the Town and what

kind of maintenance would be required. Mr. Lemay said that the megawatt, again a small amount of electricity, would likely stay in Town. He said that the solar farms are pretty much maintenance free, requiring some plowing and mowing once or twice a year. Chris asked and learned that the revenue to the Town would be from the lease of the land and also a PILOT. Mr. Lemay was not able to give a lease amount at this time. Joel asked and Mr. Lemay confirmed that he was seeking the Board's approval to continue the discussion. Carter agreed, asking that if the Board was not interested to say so now. He added that there will be a lot of work to do regarding working with DES on the landfill and the need to amend the certification for the Transfer Station, scheduling public hearings, and there is a short window before Town Meeting. Paul said there was no urgency to do this for 2015. Carter asked the Selectmen to decide if they were in favor of continuing the study. Russ asked and learned that the panels would be stationary and NHEC would put the job out to bid. Russ expressed concern about digging into the landfill and the possibility of compromising it. Carter reminded the Board that it isn't a capped landfill, and the debris was physically removed and replaced with clean fill. 1) Mr. Cormier asked what's in it for the consumer or can it be a business enticement. Mr. Lemay replied that it is a way for members to participate by purchasing output which turns into money on their bill, and is a way to pre-buy electricity. Chris asked and learned that the only changes to the infrastructure would be running the lines from the panels through the access road to the pole on the road, without anything else needed. Mr. Lemay said that due to the small size of the power produced, it would not be subject to state regulation. Joel thought that this was a good use of Town land and Made the Motion to further explore the project and for staff and NHEC to return to the Board with more information. Carter said that in order to fully answer the Board's questions they need to explore the project further. Chris and Paul agreed that this should go before the 2016 Town Meeting. Mr. Lemay repeated that there is no money to be made by the NHEC and they are doing this only for their members, but they won't do this unless the Board gives them the go ahead to look at it further. Jon felt that it was OK to further explore it and decide based on the future information they receive. Chris wanted to be sure that the discussion is with NHEC and staff, but any negotiations would be with the Selectmen. Joel reminded everyone that the final decision is always made at Town Meeting. Russ agreed with Jon that they need to further the discussion. Russ Seconded Joel's Motion. 2) Mr. Austin asked and learned about the solar technology and learned that there are tax credits and rebates available and homeowners can learn more by contacting Mr. Lemay at the NHEC. Jon called for the vote: 4 Ayes and 1 Nay (Paul). The Motion carried.

5. Review for Action: 2015 Lee's Mills Steamboat Rally: Jon reported that the Steamboat Association is seeking confirmation of the Town's support that they have been receiving for next year's rally. Carter advised the Selectmen that they need to confirm that the Association will once again advertise the restriction on dogs at Lee's Mills during the rally except for service dogs and to run two ads. Paul said he is not in favor of restricting dogs during this time. Chris asked why the Town is paying for more portable toilets. Joel replied that the rally attracts a lot of people to Town and brings in revenue. 1) Mr. Austin said that the Steamboat Rally, which is the largest in the world, is a real benefit to the community and asked the Selectmen to support them. Joel Made the Motion to approve the 2015 Steamboat Rally as proposed in their letter dated September 15, 2014, with the addition that they will submit two advertisements advising the public that dogs are restricted during the rally with the exception of service dogs. Russ Seconded. Paul said he received two complaints about the dog restriction. Joel said that in one instance

- the dog wasn't leashed and running around. Jon called for the vote: 4 Ayes and 1 Nay (Paul).
6. Review for Action: Restoration of Involuntarily Merged Lots, MBLU 142-079 & 080: Jon reported that staff recommends the unmerger of the lots and that a title search be done along with a recorded survey to identify the actual boundaries of the four original lots. Paul Made the Motion to approve the Restoration of Involuntarily Merged Lots of MBLU 142-079 and 142-080, as described in the Town Planner's memo dated October 21, 2014, but to not require the title search or survey. Chris Seconded. There was discussion about requiring the property owner to do a title search and a survey, when the lots were involuntarily merged by the Town, which is a financial burden. Joel felt that the record isn't clear and asked how the Assessing Department is to identify the four lots unless this is done. Chris withdrew his Second. Russ agreed with Joel. Discussion continued that the property owner shouldn't be monetarily penalized because the Town improperly merged the lots. Jon called for the vote: 4 Ayes and 1 Nay (Russ).
 7. Review for Action: Cease & Desist Order Re: 202 States Landing Road: Carter explained that the Code and Health Officer is requesting authorization of the Cease and Desist Order. The property owners had a yard sale during the summer, which based on the photos submitted, appears to have been over long ago, and furniture and other items are left in the yard. Discussion took place about property owner rights versus Zoning Ordinances. Paul Made the Motion to authorize the Cease and Desist Order on 202 States Landing Road based on the Code and Health Officer's memo dated October 30, 2014. Chris Seconded. 3 Ayes and 2 Nays (Russ and Joel). The Motion carried.
 8. Review for Action: Appointment of Special Counsel Re: Cable Franchise: Carter reported that working with Town Counsel, three specialized attorneys were identified to act on behalf of the Town in the cable franchise negotiations. He added that he could not recommend one attorney as his practice has sued the Town in other matters. Paul said he would like to see their proposal first before eliminating them. One other firm took a pass on the opportunity, which left a firm in Boston and was recommended by Carter and Town Counsel. Paul expressed his desire to see the first firm's proposal before settling on the more expensive of the two firms. Carter replied that he would need to obtain the proposal and the item needed to be tabled. The Selectmen agreed to table it.
 9. Review for Action: Authorization of FY 2015 Fall Newsletter: Jon reported that the Tax Collector has the responsibility to review the newsletter which is sent out with the tax bill to insure that all of the information contained is Town related. Paul thought that the Selectmen should be able to review the newsletter given enough time to make changes. He added he thought it needed updating to improve the look and the Town's image. Joel Made the Motion to approve the 2014 Fall Newsletter. Russ Seconded. The Motion carried Unanimously.
 10. Review for Action: FY 2015 Health Insurance Plan(s): Carter reported that this was the first year of the Insurance Advisory Group which is made up of employees from each department. The Selectmen approved retaining Beth Smith to help guide the group through this process, which met 5 to 6 times. Three non-profit pools were considered, eliminating School Care due to being the highest priced out of the three, being on a fiscal year schedule, and their inability to deliver a quote for the period of July 1, 2015 to June 30, 2016. Health Trust (Anthem) which is the present provider and InterLocal (Harvard Pilgrim) submitted quotes and were considered, with various plans with different co-pays and prescription drug plans. Carter said that the group chose InterLocal plan 1, Harvard Pilgrim. He recommends offering an incentive to employees to join the Flexible Spending Account by matching their contribution based on the kind of plan they have for

an individual, 2 person, or family plan. He explained that in so doing, employees would become familiar with the FSA especially for the following year when the prescription plan co-pay might increase. Going to the InterLocal Plan 1 with Harvard Pilgrim would be a \$39,000 savings for the Town. Carter said that they would be leaving Health Trust for all but dental, life insurance and long term disability. For health insurance, we would be required to stay out of Health Trust for two years. Jon reported that he has heard from one long term employee that while they were not happy with the decision, they were happy with the process and the employee participation. Carter said that this would be a one year contract. Paul thought that the InterLocal Plan 1 was extremely generous and is much less than what he has to pay for health insurance and prescription coverage. He added that a 10% employee contribution is not fair to the tax payers. Carter said that while he understands Paul's concern, he reminded the Board that the 10% increase employee participation by 2015 was the Board's plan. He added that this has taken several years to go from 0% participation to 10% in 2015. Carter said that he told the IAG that the final cost will be the Board's decision. Paul said that the employee cost is not comparable to the public's cost. Carter said that it is comparable to other municipalities. Chris said while he sees Paul's concern, he felt that a savings of \$39,000 was sizeable. He said that they shouldn't look at it as we can't get this kind of benefit, so they shouldn't either. Carter reminded the Selectmen that the employees have gone from no cost participation and for 2015 to 10%. The progression has been 2%, 4%, 6%, 8% and now to 10%. Together with the change in plan to Matthew Thornton, this has been a \$100,000 cost shift. Joel thought that the savings should be used for the Town and not as an incentive for employees to join the FSA. Carter said that there are lower tiers for less money. He added that he is in favor of the FSA incentive for one year only, adding that the incentive given over the past 2 years has made it possible to move employees to the Matthew Thornton plan. Discussion took place between Paul and Chris regarding the Board's goal of having a fair personnel system in order to attract and retain excellent employees, and if employees were dissatisfied with the cost of their health insurance participation that they could go elsewhere. Joel asked if they were to go with the cheapest plan how that would affect the collective bargaining. Carter said that he didn't want to comment, but felt it would not be favorable, and this could be further discussed in a non-meeting. Chris Made the Motion to approve of the health insurance bid submitted by InterLocal I for a total of \$759,000, which is equivalent to the present plan and a savings of \$39,000. Russ Seconded. Jon called for the vote: 4 Ayes and 1 Nay (Paul). The Motion carried. Joel Made the Motion to eliminate the point of service option and only provide the HMO option. Chris Seconded. The Motion carried Unanimously. Paul Made the Motion to not authorize Carter to offer a monetary incentive to employees to join the Flexible Spending Account program. Carter said that the cost was a pre-tax and an incentive for employees to try it, adding that for 2016 it would help with any higher prescription deductible. Joel felt that it wasn't fair to offer different incentives based on the size of their family or if they are just an individual and the same amount should be offered to everyone. Chris Seconded and the Motion carried Unanimously. Carter said that it was necessary to renew with Health Trust for the dental, long term disability and health insurance. Paul asked what the costs were for this coverage. Carter said he didn't have the figures on hand, but based on the CBA they were mandated to provide this. The Selectmen decided to table this for the next meeting.

11. Review for Action: Grievance Re: Vacation Denial: The Selectmen agreed that this should be discussed during Non-Public Session.

12. Joel reported that the Fire Department is requesting to use the Adele Taylor property for a non-destructive training. Chris Made the Motion to approve the Fire Department's request as presented by Joel. Joel Seconded and the Motion carried Unanimously.

VI. OLD BUSINESS:

1. Jon reported that Carter authorized \$6,300 for the Village Vision's survey to be produced and mailed, which had been previously estimated at \$5,000. Chris Made the Motion and Paul Seconded to approve the authorization of approximately \$6,300 for the Village Vision survey. The Motion carried Unanimously.
2. Paul reported that he received a complaint that CodeRed was used to notify people of the Recreational Site Plan Study Town Meetings. He asked that it be used only for emergencies.
3. Paul asked what has been done about the water quality, adding that it doesn't look good that Town Hall has signs posted to not drink the tap water. Carter said he will bring the information to their budget sessions.

VII. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: None.
2. Village Vision Committee Minutes, October 7, 2014: Acknowledged.
3. ABC Minutes, October 7 & October 21, 2014: Acknowledged.
4. Planning Board Minutes, October 8, 2014: Acknowledged.
5. Heritage Commission Minutes, October 8, 2014: Acknowledged.
6. Library Board of Trustees Minutes, October 9, 2014: Acknowledged.
7. Trustees of the Trust Funds Minutes, October 14, 2014: Acknowledged.
8. Recreation Advisory Board Minutes, October 20, 2014: Acknowledged.

VIII. CORRESPONDENCE

1. Time Warner Cable, October 15, 2014, Possible Program Changes: Jon reported this was their usual letter of possible program changes.
2. Sydney Stewart, October 21, 2014, Proposed Recreation Expansion: Jon reported that Mr. Stewart's letter was also published in the *Laconia Sun*.

IX. CITIZEN INPUT: 1) None.

- X. NON-PUBLIC SESSION:** Jon said that the Selectmen need to go into Non-Public Session per RSA 91-A:3 II (c) and (e) for reputation and pending claims of litigation and will reconvene for adjournment only. Paul Made the Motion to go into Non-Public Session and to return for the sole purpose to adjourn. Chris Seconded. A roll call was taken: Paul – Aye; Chris – Aye; Russ – Aye; Joel – Aye; Jon – Aye. The Motion carried and the Selectmen went into Non-Public Session at 9:48 p.m.

The Board exited Non-Public Session at 11:06 p.m. having voted by a vote of 2/3 or greater of the members present to seal the minutes as it is determined that divulgence of the information discussed likely would (on matter c) affect adversely the reputation of a person other than a member of the public body itself and (on matter e) render the proposed action ineffective, and to

not disclose the minutes and decisions reached to the public until, in the opinion of a majority of the members, the aforesaid circumstances no longer apply.

- XI. ADJOURNMENT:** Paul Made the Motion to Adjourn. Russ Seconded.
Motion Carried Unanimously
Jon adjourned the meeting at 11:07 p.m.

Approved

Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant