

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

Selectmen's Meeting

March 5, 2015

MINUTES

Selectmen: Jonathan W. Tolman, Chairman; Joel R. Mudgett, Paul T. Punturieri, Christopher P. Shipp, Russell C. Wakefield; 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:** Paul asked to amend the minutes of February 19, 2015, page 2, New Business #3, third sentence from the bottom, striking *it gets* and adding, ...*the system gets fully funded then there won't be a problem.* For the minutes of February 26th, Paul asked to amend under Evaluation Tool Debrief, third sentence from the bottom, crossing out ...*to minimize the hi/low spread between raters...* and add ...*plan...* Paul Made the Motion to approve the Minutes of February 19, 2015 Public, February 26, 2015 Public & Non-Public as amended. Chris Seconded. The Motion carried Unanimously.
- IV. **CITIZEN INPUT:** 1) Joe Cormier asked why the voters are being asked to vote on Article 8, on the Village Vision Report dated January 28th instead of the final report of February 19th. He also questioned the vote on Article 29, and why it is the only one that states "Not Recommended" versus "Recommended". Jon replied that Mr. Cormier had emailed him his questions and he agrees about Article 29, where the actual vote was 0 Yes, 4 No, and 1 Abstain to Recommend the Article. Regarding Article 8, Jon said that the Village Vision Chair will amend this on the floor of Town Meeting, to February 19, 2015. 2) Eric Taussig told the Selectmen that he requested a copy of the Town Administrator's contract from Town Counsel and was told he didn't have a copy. Mr. Taussig received a certified copy from the Town Clerk, at a cost of \$5.00. He questioned changes on the contract's addendum, with oddities that he didn't understand. Mr. Taussig asked the Selectmen to provide answers to the following questions: 1. Who drafted and typed the contract; 2. Why was the contract extended 2 years when the Board told the public it was for one year; 3. Why was March 30th crossed out and January 2013 inserted; 4. How was it that Chris Shipp signed the contract when he was not elected in January of 2013; and 5. Did Attorney Minkow approve the contract and if not, why not. Jon said that he can answer some of his questions. The date of January 2013 was incorrect as Chris wasn't on the Board at that time, and it should have been 2014. The original contract expired in 2014 and would've automatically been extended unless action was taken by March 31, 2013. If no action was taken as of March 31, 2013, then the contract would automatically be extended to one year to March 31, 2015. The Board this past January (2014) renewed the contract as it was for one year and an extension which would have been tacked on to 2013. Mr. Taussig asked if their intention was for the contract to end in 2015 or 2016. Jon said it was already good to 2015 and the intent was for 2016. Mr. Taussig asked who prepared the contract with the error of 2013 (instead of 2014) written in and did Town Counsel review it. Jon replied that he believed the Town Administrator prepared the contract at the Board's request when they

held the vote and unfortunately the error wasn't cleaned up. He said he didn't know if the contract had been reviewed by Town Counsel. Mr. Taussig said he was puzzled that the Board (he thought it was Russ) announced that the contract was approved to 2015. He added that Russ had said he voted against it, although his signature was on the contract. Jon doubted that anyone said it was extended to just 2015, adding that they chose to extend it to 2016. Russ told Mr. Taussig that he told him the correct date when the contract expired. Although he was not in favor of extending the contract, as one member of a Board of five, he chose to sign it as a sign of solidarity with the Board of Selectmen. If Mr. Taussig misunderstood him, he couldn't control that. 3) Mr. Cormier thought that the Town Counsel didn't review the contract. He suggested that there are three forms of modification for contracts and he thought that this contract would be found null and void in a court of law. 4) Hollis Austin asked what the reason was for the Selectmen to vote to recommend each article. Jon said it was by state statute to vote on any money article. The Advisory Budget Committee votes per approval at Town Meeting. 5) Mr. Taussig asked the Board if they will again extend the Town Administrator's contract and if so, is it appropriate for the Town Administrator to draft the extension. Jon replied that the Board was reviewing it, along with Town Counsel, and they are mindful of the terms of the contract, and that is all he will say as this an employment matter. 6) Mr. Austin asked what the reasoning was for requiring the Selectmen to vote on each article. Jon replied that probably it was a legal requirement, and the voters wanting to know the Board's opinion.

V. NEW BUSINESS

1. Review for Action: Consent & Signature File:

DATE	DOCUMENT	MAP/LOT#
3/5/15	Veterans' Tax Credit – Approved	072-023
3/5/15	Disposal Agreement	046-005
3/5/15	Religious Exemption, United Methodist Church	052-011 & 075-002
3/6/15	Letters to State Representatives Re EBT Benefits	N/A

Jon read the Consent & Signature File. Joel Made the Motion to approve the Consent & Signature File for March 5, 2015. Russ Seconded. The Motion carried Unanimously.

2. Review for Action: Board's Recommendation & Report Re: Village Vision Report: Jon stated that at the Public Hearing the Selectmen's Recommendation was tabled until they received the final report. Carter said that once the vote is taken, then he will forward that to the Village Vision Committee tomorrow and print it for the lobby and for distribution on Election Day and Town Meeting. Jon called for the vote to Recommend by Selectmen: 4 Yes and 1 No (Russ). Jon asked Jean Beadle, Chair of the Advisory Budget Committee when they will vote, and she replied that she hasn't been able to get the members together for a meeting, but will act on it shortly. By Consensus the Board of Selectmen's Comments on the Village Vision Report was approved.

3. Review for Action: FY 2015 BoS Goals/Calendar: Paul commented that he wanted to be sure that they had something to start the year. He suggested to add single stream recycling to the goals. The Board agreed to table this to allow new Board members to vote on it.

4. Review for Action: Board's Response to LRPC's Dues Structure: Paul Made the Motion to send the letter as written to Lakes Region Planning Commission. Chris Seconded and the Motion carried Unanimously.

5. Review for Action: DPW's Request to change Classification of Employee: Jon reported that the DPW Director is requesting to change the classification of this employee from

intermittent to that of a part-time facility attendant. Joel added that the hours will not exceed 29 per week and the position is seasonal to handle the spike in activity. Chris Made the Motion to approve of the change of employee classification from Intermittent Laborer/Facility Attendant to Part Time Facility Attendant. Paul Seconded. Russ asked why this seasonal position has a date of April 1 to November 1, 2015. Carter replied that after November 1 the position goes back to being intermittent.

6. Review for Action: MPD's Request to change Classification of Employee: Jon reported that Chief Wetherbee is requesting that the classification be changed from part time to full time. Chris commented that previously the officer had requested to go to part time to pursue a second career. He asked and learned that the officer has chosen to make the Police Department his first career. Joel Made the Motion to approve the change in classification from part time officer to full time officer. Chris Seconded. The Motion carried Unanimously. Carter reported that this will make a full complement on the Police roster.
7. Review for Action: Easement, Town of Moultonborough to Schulten: Jon reported that this has been going on for a while as the property owner's leach field has encroached on Town property. Carter agreed that it took longer than expected due to surveying. Jon stated that the easement expires upon the Schulten's septic system failure. Carter said that upon the system's failure, the property owner will have to ensure that it is re-built within his own boundaries. The Town provided this easement to allow the continued use of the leach field and to eliminate the expense for the property owner to relocate it. Paul Made the Motion to approve the Easement given to Schultens as described in the proposed easement deed. Joel Seconded and the Motion carried Unanimously.
8. Review for Action: Job Description Re: Tax Collector's Office Clerk, Grade VI: Paul asked if the person who is filling in now will be in this new position in the Tax Collector's office. Carter confirmed that was correct. Russ Made the Motion to approve the job description of the Tax Collector's Office Clerk at Grade VI. Paul Seconded. The Motion carried Unanimously. Carter said that the two advertisements in the Letters Written file, of which one will run today and the other next week. Both will be available at Town Meeting, which is especially important for the Deputy Tax Collector's position which requires residency.
9. Review for Action: Amended Town Organizational Chart: Carter reported that the chart has included this new position of Tax Collector's Office Clerk, which they just approved. Chris commented that with all of the elected officials on top, only one of them, the Highway Agent, is responsible for so many staff and a big budget. He thought this position needs to be an appointed position versus elected, to allow the Selectmen to have more control. Russ disagreed, adding that he doesn't want the Selectmen and/or the Town Administrator to have more control. Joel Made the Motion to approve the Organizational Chart as written, Paul Seconded. The Motion carried Unanimously.
10. Review for Action: Amended Grade and Step Plan: Paul stated that this was with the 1.5% increase and Made the Motion to approve the Amended Grade and Step Plan. Chris Seconded. The Motion carried Unanimously.
11. Review for Action: Amended Job Classification and Compensation Schedule: Carter reported that this includes the new Tax Collector's Office Clerk and Call Firefighter positions. Paul Made the Motion to approve the Amended Job Classification and Compensation Schedule as written. **Joel Seconded. Chris abstained.** The Motion carried Unanimously.
12. Review for Action: Amended Job Classification Scoring Matrix: Carter said that the Tax Collector's Office Clerk position has been added at Grade VI. Paul Made the Motion to

- approve this, changing the effective date to April 1, 2015 versus January 1, 2015. Joel Seconded and the Motion carried Unanimously.
13. Review for Action: Amended Job Descriptions: Carter suggested and the Selectmen agreed to table this as they didn't receive any mark ups from the Board and he knew there were some questions on it.
 14. Review for Action: Proposed Submission of Roadway Projects to LRPC Re: TIP Plan: Jon reported that Town Planner, Bruce Woodruff in his memo stated that the Safety Committee is seeking the Board's approval on the committee's recommendation to be included on the State's DOT Ten Year Plan, 8 state road projects. Chris questioned #5, lane narrowing on Route 25 through the village section, adding that he wasn't in favor and the Village Vision Committee was split on. Paul thought that the first three state road projects for Moultonborough have been on the list for quite some time and there is no guaranty of any money. Carter said that the Safety Committee should get the Board's authority. The Board agreed that #5 should be removed from the list. Russ so moved, making it a list of 7. Chris Seconded and the Motion Carried Unanimously. 1) Mr. Cormier said that the Governor has already signed the budget, and essentially LRPC's list is a wish list. Jon agreed.
 15. Review for Action: Town Engineers Task Order Re: States Landing FY 2015: Carter reported that they would like to schedule the annual work party and clean-up party for States Landing, which will be more extensive this year and require permitting and design work, with a lot needed to be done before May 30th. Carter added that the Town Engineering Screening Committee is looking at a start date of date is July 1, 2015 for the next appointment. Paul commented that it wasn't clear what would be done. Carter replied that that the drainage (rain gardens) would be handled first. Joel Made the Motion to approve the Task Order for a total of \$19,620 for States Landing contingent upon approval of the 2015 Town Meeting. Carter said that \$200 was at risk due to surveying.
 16. Review for Action: Establishment of Town Engineer Screening Committee: Chris, Paul and Russ thought that a member of the Selectmen should be added to the screening committee. Paul added that he felt that the DPW/Highway Agent should not chair the committee, but should assist the Selectmen in making the final decision. He added that he's had a conversation with Richard Brown, a civil engineer, to be a member of the screening committee and he was agreeable. Joel felt that the DPW/Highway Agent was instrumental in asking questions. Chris thought that the "Citizen At Large" member didn't need to be a contractor. Joel replied that the state requires it. Carter added that the members need to be an experienced in working with or hiring engineers. He thought that a member of the Selectmen could be an ex-officio or liaison as long as long as they don't vote. Carter said they could ask Mr. Brown to fill the "Citizen At Large" position and a member of the Board can be an observer/liaison, which Russ volunteered to fill. Carter said if there was a concern about the DPW/Highway Agent, that he be included, but the committee be instructed to not appoint him as chair for transparency reasons. Paul said it was the perception, and not a concern with Scott. Carter said he would revise the make-up of the steering committee and will forward it to them. Paul Made the Motion to authorize the establishment of the Town Engineer Screening Committee with Don LeMien or Ed Ambrose as the Area Contractor, Richard Brown as the Citizen At Large and to inquire if he's agreeable to be the chair, and if not then the committee is to choose from amongst its member (excluding Mr. Kinmond), and Russ will act as the Board's liaison. Chris Seconded and the Motion carried Unanimously.

VI. OLD BUSINESS:

1. Joel reminded Board members that they need to select a candidate for the annual Kim Ayers award.

VII. OTHER BUSINESS:

1. Board & Staff Liaison and Update Reports: Paul reported that the original meeting for the Carroll County Commissioners was canceled and rescheduled to a date that he couldn't attend. Carter said he attended with three others. He said that Theresa Williams presented their concerns about the county's late billing. The Commissioners' response was that this was a one-time occurrence, of which Carter disagreed, and that they thought their books would be cleaned up by December 1st, which won't resolve the late billing to towns and as a result the tax bills going out late. The Commissioners are hoping to go to fiscal year, but they aren't sure how to bridge the 6 month gap. Regarding towns wanting 30 days to pay the county tax bill, the Commissioners responded that the towns should go to the legislature to make this request. Carter reported that due to their cash flow, he learned that the county is carrying a \$100,000 interest costs for a line of credit at today's interest rates (2.8% +/-). If the interest rates go up, then the cost will also rise. Paul said Moultonborough's share of this is 23%. Carter said that part of the problem is that they don't carry any reserves. Paul asked about the initial report of the Commissioners wanting \$1 million in reserves, but then going to only \$150,000. Carter confirmed this, as any reserve they have is applied to the tax rate. He added that he will report on this further in the Weekly Report.
2. Heritage Commission Minutes, February 11, 2015: Acknowledged.
3. Public Library Board of Trustees Minutes, February 12, 2015: Acknowledged.

VIII. CORRESPONDENCE

1. David S. Fullerton, February 18, 2015, Moultonborough Police Department: Jon reported that Mr. Fullerton complimented Officer Peter John for his professionalism and courteous manner regarding their recent burglary.
2. Cody Gray, February 19, 2015, Volunteer Application: Tabled until after the election.
3. Time Warner Cable, February 4, 2015, Possible Program Changes: Jon reported that this is their usual letter of possible program changes.

- IX. CITIZEN INPUT:** 1) Ken Kasarjian thanked the Selectmen for their work, which is demanding and unforgiving. He gave special thanks to Jon and Joel, as this is their last official business meeting. Jon has been a Selectmen for three years, and Joel for the past nine years. Mr. Kasarjian applauded Jon for wanting to spend more time with his family and to concentrate on his business. 2) Mr. Taussig asked if there was any possibility that the Board could look at the Non-Public Session minutes regarding the date of the Town Administrator's contract. He also asked about the six signatures, 5 of the Board (4 which are now present) and the Town Administrator's. He asked whose writing was it that dated the contract. Jon said he assumes that the Town Administrator dated it, although he doesn't recall. Mr. Taussig asked and Carter replied that he doesn't recall if he dated it. Carter said that he probably drafted the contract. 2) Chris thanked the Town for the beautiful flowers and overwhelming support he received in the recent death of his father. 3) Jon thanked Joel for all of his support this past year as Chair of the Selectmen. He said there is an awful lot that goes into being the Chair and having Joel's help

was greatly appreciated. Joel commented that if people knew how much work goes into this, they wouldn't run for the office. Joel said that he has enjoyed his time being on the Board of Selectmen, but feels it is time to move on and to also spend more time with his family.

- X. **NON-PUBLIC SESSION:** Jon said that the Selectmen need to go into Non-Public Session per RSA 91-A:3 II (a) and (c) 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 8:29 p.m.

The Board exited Non-Public Session at 9:38 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 would likely affect adversely the reputation of a person other than a member of the public body itself 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:** Chris Made the Motion to Adjourn. Paul Seconded.
Motion Carried Unanimously
Jon adjourned the meeting at 9:40 p.m.

Christopher P. Shipp
Approved

March 19, 2015
Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant