

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

Selectmen's Meeting

October 1, 2015

MINUTES

Selectmen: Christopher P. Shipp, Chair, Russell C. Wakefield, Vice Chair, Josiah H. Bartlett, Jean M. Beadle, Paul T. Punturieri; Walter P. Johnson, Town Administrator; and Hope K. Kokas, Administrative Assistant.

- I. **CALL TO ORDER:** Chris 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 September 17, 2015, page 3, New Business #8, fourth sentence, replacing the word *costs* with *services*. Russ Made the Motion to approve the meeting minutes of September 17, 2015 and Non-Public Minutes and September 24, 2015 Work Session and Non-Public Minutes as written. Josh Seconded. Paul abstained from voting on the Non-Public Minutes of September 17th and 24th as he did not see them. The Motion carried Unanimously.
- IV. **CITIZEN INPUT:** None.
- V. **NEW BUSINESS:**

1. **Review for Action: Consent & Signature File:**

DATE	DOCUMENT	MAP/LOT#
10/1/15	Administrative Abatement	045-004-001
10/1/15	Disposal Agreement	163-015
10/1/15	Disposal Agreement	272-011
10/1/15	Street Excavation Permit	168-014, 001, 002 & 003
10/1/15	Agreement Re Beach Replenishment	160-005

Chris read the Consent & Signature File. Russ Made the Motion to approve the Consent & Signature File for October 1, 2015. Jean Seconded and the Motion carried Unanimously.

2. **Review for Action: Susette Remson, Tax Collector, 2012 Unredeemed Liens:** Susette reported that this is the final list with the full amount due as of noon on October 6, 2015. She said that a few have paid that were on the previous list, and she has also received phone calls that people would be in to pay before noon on October 6th. Susette also asked that the Board authorize her to record the tax deeds. Josh Made the Motion to accept all of the tax deeds for properties as shown on the "final list" that remain unredeemed as of the October 6, 2015, 12 noon deadline; to authorize the Tax Collector to record the tax deeds on behalf of the Municipality; and to also authorize the Tax Collector to notify the Treasurer to refund any partial payments due according to RSA 80:71. Paul Seconded and commented that two of the properties are commercial and have tenants, and if tax

deeded puts the Town in the position of being a landlord. Russ commented that he feels those who pay their taxes shouldn't have to be burdened further by those who do not pay their taxes. Susette told the Board that she notified those in danger of being tax deeded and offered to set up payment plans but doesn't hear back from them. Paul asked how long the Town has to wait before the properties can be sold. She replied that it at any time, however the former owner has a three year redemption period, so it has been the Town's policy to wait the three years. If they do redeem they must pay off all back taxes, fees, and interest at 18%, which becomes very expensive. The Motion carried Unanimously. Susette said she will notify the Selectmen of the properties taken on Tuesday, October 6th.

3. Review for Action: Request to Restore Involuntarily Merged Lot, MBLU 245-109: Chris reported that the request is to restore what is now known as Map 245 and Lot 109, and old tax Map 11, Lots 80 and 81. Josh Made the Motion to approve the request and the recommendation of the Office of Development Services to restore what is now known as MBLU 245-109 into two lots as previously known as old tax Map 11 Lots 80 and 81. Paul Seconded and the Motion carried Unanimously.
4. Review for Action: 2015 Overlay Amount: Chris reported that this was discussed at last week's work session. Paul expressed his concern that the recommended overlay amount of \$175,000 was too much. He added that he was not in favor of contracting with a Utility Appraiser in the first place, stating that any appeal will cost the Town, and he wondered what will happen if all New Hampshire towns increase their utility values. Both Russ and Jean agreed that if the funds aren't used, it will go into the general fund. Walter said that an extra \$140,000 is being added to the overlay in anticipation of an appeal which would start in 2016 unless a settlement agreement of the appeal is reached which would be paid from the overlay. He also noted the \$175,000 is to cover all abatements. Josh asked and received confirmation that the \$140,000 is in addition to the usual \$35,000 used for the overlay. Jean said she supported the recommendation. Russ said he supported contracting for a utility appraiser as he felt that DRA's utility values are known to be low and they shouldn't be assessing utilities. Josh said he was concerned that any money not spent won't go back to the general fund. Jean thought that they should look at the general fund for any small projects that will benefit the taxpayers. Jean Made the Motion to approve the \$175,000 overlay for the 2015 tax setting season. Russ Seconded the Motion. Chris called for the vote: Russ, Jean and Chris voted Aye. Paul and Josh voted Nay. The Motion carried.
5. Review for Action: RFQ for Town Attorney: Chris asked Josh to speak to this, as it was his request to be on the agenda. Josh said that the Board discussed this at last week's work session, adding that this is not a reflection on the attorneys that the Town is now using. He felt that requesting qualifications would be in the best interest of the taxpayers, and suggested they use a similar process as the Town engineer search. He added that during that process they found that the engineer that the Town had contracted with was the best qualified. Paul agreed with Josh. Russ felt it wasn't needed. It has been his experience that the present Town Counsel hasn't steered the Town wrong and in the many years working for the Town the present Town Counsel has a lot of history. If he felt that an area was out of his expertise, he has been the first to refer the Board to an attorney that specializes in that type of law. Jean agreed that it is always best to insure that the Town receives the best services, but didn't feel this process was appropriate for a town counsel. Chris said that he has been happy with the quality of service the Town has received. Paul asked how they know if they are getting the best, adding that a larger firm could possibly handle all situations. Russ disagreed. Chris asked what they would ask

for qualifications. Josh suggested asking about experience in land use and municipal law, along with cases won. He said he disagreed with Russ about the Town receiving good legal service. Paul Made the Motion to create a request for qualifications for Town Attorney. 1) Joe Cormier thought that a municipal attorney shouldn't be expected to handle all cases. He suggested that a Town Attorney could align with a larger firm when needed for additional expertise. He also suggested that the Board look at how much has been spent and how they want to spend on legal services. Chris said that when needed the present Town Counsel has referred the Town to other attorneys who specialize in areas he feels is out of his expertise. Josh Seconded the Motion. The vote was called: Josh and Paul voted Aye. Russ, Jean and Chris voted Nay. The Motion was defeated. Josh asked the Board to reconsider and said that Russ needed to recuse himself from the discussion and vote as he has been represented by the present firm. Russ replied that Josh's current animosity towards the present Town Attorney has to do with his position on the Planning Board and the actions that were taken. Russ said that because of this then Josh should also recuse himself. Chris felt that both have a valid point, however this has been discussed and voted on and it was time to move on to the next item.

6. Review for Action: Single Stream Recycling: Jean as a member of the Single Stream Recycling Review Committee said that this was discussed at last week's work session. Paul reported that he has received emails from people who are concerned about private vendors who are on the honor system, and if their patrons have actually purchased WMF/Beach permits. Jean said that although this is outside of the committee's charge, they did discuss this and agreed that it needed to be tightened up, and this was one of several items on the list to look at. Paul thought the funding to make the changes shouldn't be an issue. Jean Made the Motion that as of January 1, 2016 that the Town's Waste Management Facility go to single stream recycling utilizing as much 2015 budget funds as possible. Paul Seconded and the Motion carried Unanimously.
7. Review for Action: Convention of Committees: Paul reported that the event will happen in three weeks, October 22nd. The Board has a rough draft of goals. Last year they had a roundtable and he suggested breaking up into groups and then coming back together. Chris wanted to stay with the roundtable as it is helpful to hear what everyone has to say. He added that last year the School Board members didn't attend and he wants to be sure that this year they get the invitation. They have yet to reserve the Academy's cafeteria. It was suggested using the Public Safety Building, that also has a small kitchen to accommodate having food. The Selectmen's meeting for October 22nd is cancelled due to the event. Josh suggested sending out a questionnaire to the committee/board chairs. Jean thought that items for discussion could be bulleted on the invitation. The Board agreed to have Walter reserve the PSB meeting room for 5:30 p.m. with food beforehand and to start at 6 p.m.
8. Review for Action: FY15 Year to Date Budget Review: Walter reported that he looked at the numbers and said they are trending well and most are on target or under. Jean commented that the labor for the Recreation Department needs to be transferred to the Recreation Revolving Fund. Walter suggested and the Board agreed to get their questions to him for the next agenda.
9. Review for Action: Staff Report – Trade-In of Fire Apparatus: Chris asked if the Board had any issues with going forward with the trade in before receiving the Town's new fire apparatus. Paul felt that the three month delay was due to Ford's inability to get the needed parts. Walter agreed that Ford didn't receive what was needed in time, but HME now has the cab and chassis from Ford and they are now looking at 4 to 6 weeks for delivery. He added that it isn't unusual to release trade-ins before actually receiving the

new vehicle. Josh asked why this is the Town's problem. Paul thought we shouldn't release the trade-in until the Town gets its new vehicle. Jean pointed out that Chief Bengtson in his staff report recommended releasing the trade-in as this wouldn't have any effect on the Department's operations. Russ Made the Motion to approve Chief David Bengtson's recommendation to release the trade-in as stated in his Staff Report dated October 1, 2015. Jean Seconded. The vote was called: Josh, Russ, Jean and Chris – Aye, Paul – Nay. The Motion carried.

VI. OLD BUSINESS:

1. LRPC TAC Alternate Appointment: Paul reported that Planning Board Chair Scott Bartlett has agreed to attend the LRPC – TAC meetings as a temporary appointment and Moved to appoint Scott Bartlett as a temporary alternate. Russ Seconded. On Walter's suggestion, Paul amended the motion to appoint Scott Bartlett as an Alternate to the Lakes Region Planning Committees Transportation Advisory Committee. Russ Seconded the amendment and the Motion carried Unanimously.
2. Paul referring to his motion from the meeting of September 3rd, said that they received a reply from the Town's Attorney regarding the question of having to pay the county's supplemental tax. Paul read the Town Counsel's letter (attached) and it was his legal opinion that once the Department of Revenue sets the tax rate, the Town must pay the county tax and failure to do so could result in the Selectmen and Tax Collector having a personal liability resulting in their personal assets being attached, and if their assets are insufficient then assets of the Town's inhabitants are at risk. The Board agreed that the Town must pay the tax. Russ commented that he asked the same question in 2000 and received the same answer.
3. Russ reported that he contacted Mr. Hirschfield and learned that there was no specific reason for limiting the cut on his property, in addition he would be OK with additional cutting. Russ said he would like to volunteer his services to do the work. Chris said that he should first get written permission. Russ added that Mr. Hirschfield asked why the Fire Department doesn't conduct the controlled burn in this area as was done in the past. Chris said he will ask the question. Walter advised that this was OK as long as it isn't an official act of the Town.

VII. OTHER BUSINESS:

1. Board Update Reports: 1) Josh reported that the statement from TWC about not being able to provide Moultonborough with Boston stations wasn't exactly true. In addition, he has learned that Metro Cast does provide cable service in limited Moultonborough areas.
2. Town Administrator Report: Walter thanked the Board for allowing him to attend the National Administrator/Manager's Conference in Seattle, which was very informative. He reported that the tax deed sale to Mr. O'Connor has been closed and will be recorded. On Tuesday, October 6th the Staff Meeting is scheduled, and also a CBA meeting. On Wednesday the 7th, there is a webinar scheduled with Virtual Town Hall to set the template for the site re-design. Department budgets are due October 9th. Walter said that the School District has asked to add an article in the Town's newsletter. Jean added that it is important that an article about the upcoming move to single stream recycling be included in the newsletter. The Board agreed that the first place to start is at the Transfer Station. The Board approved the School District's request by consensus. Walter reported that they've received notice from InterLocal that there will be a 6.4% increase in

employee health insurance and he will be meeting with them about other options for consideration. Paul suggested that Walter obtain information about the Employee Benefit Committee that met last year. The TA said that Carroll County estimates their tax rate at \$1.42 vs. last year at \$1.22 and DRA will start the tax rate setting process today. Walter asked and learned that the Town has not participated in the Center Harbor and Meredith Energy Committee. As the next meeting is in conflict with the Convention of Committee meeting, they are unable to attend. He added that he is still a member from Holderness and there is information about ways to reduce energy costs for along with grant information. Walter asked the Board if they want to continue with the present meeting schedule or go to every other Thursday. Chris said there has been some discussion on this. Paul said he was OK with the present schedule. Hope suggested considering a previous schedule of the first, second and third Thursday for meeting dates, the fourth Thursday for a work session and the fifth as optional for a work session or meeting if needed. The Board agreed to change the schedule as she suggested.

3. Josh reported that the CIPC needs to meet again as there were some math problems with the 2017-2021 outlook. Josh said he didn't think he could attend, and Paul said he would as he is the alternate. Paul said he will contact the CIPC Chair to schedule the meeting.
4. Single Stream Recycling Review Committee Minutes, September 14, 2015: Acknowledged.
5. Recreation Advisory Board Minutes, September 14, 2015: Acknowledged.
6. Planning Board Minutes, September 23, 2015: Acknowledged.

VIII. CORRESPONDENCE:

1. Time Warner Cable, September 16, 2015, Possible Program Changes: Acknowledged.
2. Kathy Falwell, September 22, 2015, Waste Management Facility: Chris reported that Ms. Falwell's email is in support of single stream recycling.
3. Chris reported that Andy Wolanek has achieved Master Road Scholar from the UNH Tech2 Transfer Center at UNH. The Selectmen congratulated him on this achievement and agreed that he should receive a letter stating so.
4. Josh acknowledged Bill Gassman's work in a recent broadband issue, as he has been extremely helpful regarding the Metro Cast and TWC question. They have learned that although Metro Cast is providing cable in Moultonborough, they will not provide the service, despite running cable right by a Moultonborough property unless the Town has a franchise agreement with them. Walter said that he has negotiated franchise agreements in the past and stated that franchise agreements aren't exclusive and the Town can have as many as it likes.

- IX. CITIZEN INPUT: 1) Mr. Cormier asked for an update regarding the Town leasing the Immaculate Conception gym in Center Harbor. He also agreed with Walter about franchise agreements not being exclusive. Paul replied that he doesn't have an answer. Discussion needs to occur about the projected cost of building a facility versus leasing. 2) Hollis Austin thanked the Board for correcting the problem with the meeting room's camera. He asked what the plan was for streaming important meetings that occur outside of the Town Hall meeting room. Hope reported that the Town Hall Streams vendor has offered to post recorded meetings on a very limited basis, but through the present contract streaming is only available in the Town Hall meeting room. Discussion occurred about approaching the School Board about contracting with the vendor to install video streaming in the auditorium.

- X. **NON-PUBLIC SESSION:** Chris said that the Selectmen need to go into Non-Public Session per RSA 91-A:3 II (a) for personnel and will reconvene for adjournment only. Josh Made the Motion to go into Non-Public Session and to return for the sole purpose to adjourn. Paul Seconded. A roll call was taken: Josh – Aye; Paul – Aye; Russ – Aye; Jean – Aye; Chris – Aye. The Motion carried and the Selectmen went into Non-Public Session at 8:33 p.m.

The Selectmen exited Non-Public Session at 8:44 p.m. Josh Made the Motion to seal the minutes as it was determined that divulgence of the information discussed likely would 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. Paul Seconded. The Motion carried Unanimously.

- XI. **ADJOURNMENT:** Paul Made the Motion to Adjourn. Josh Seconded. Motion Carried Unanimously
Chris adjourned the meeting at 8:45 p.m.

Christopher P. Shipp
Approved

10/8/15 Hope K. Kokas
Date
Respectfully Submitted
Hope K. Kokas, Administrative Assistant

MINKOW & MAHONEY MULLEN, PA

ATTORNEYS AT LAW
P.O. BOX 235, 4 STEVENS AVE., SUITE 3
MEREDITH, NH 03253
pjminkow@minkowlaw.com

Peter J. Minkow
Teresa Mahoney Mullen

Tel: (603) 279-6511
Fax: (603) 279-4127

Privileged and Confidential. Not to be disclosed without the consent of the Board of Selectmen.

Sent by email attachment to Walter Johnson, Town Administrator

September 24, 2015

Christopher P, Shipp, Chairman
Moultonborough Board of Selectmen
P.O. Box 139
Moultonborough, NH 03254

Dear Chris:

At the September 3, 2015 Selectmen's Meeting, Mr. Punturieri moved as follows:

“Paul Made the Motion to engage the Town's Attorney to find out the Town's legal obligation of what must be paid to the County.”

I have reviewed relevant RSAs and consulted with other municipal attorneys, including those representing Tuftonboro and Wolfeboro. The procedure for adoption and levy is as follows:

A supplemental budget proposed by county commissioners must be approved by the county convention (legislative delegation). RSA 24:14-a. Once adopted, the budget must be submitted to the Commissioner of Revenue Administration. RSA 24:24, RSA 21-J:34 XIV.

The apportionment of taxes, according to equalized valuation of towns...shall be made annually by the commissioner of revenue administration. RSA 76:1.

Municipalities must assess and collect taxes according to rates set by the Department of Revenue Administration. RSA 76:10.

Most importantly, if, after adoption by the County Convention and certification by the Commissioner of Revenue Administration, the taxes are not assessed or collected, the Selectmen and Tax Collector have personal liability and their personal assets may be seized. If assets of the selectmen and tax collector are insufficient, assets of inhabitants of the town are at risk. RSA 85. As this RSA is too lengthy for inclusion in this letter, it is my suggestion that it be reviewed carefully. An “extent” is legally defined as a writ allowing a creditor (Department of Revenue) to seize or assume temporary ownership of a debtor’s (the town’s, selectmen’s) property.

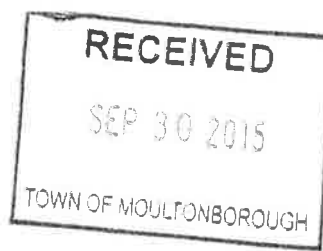
Consequently, it is my opinion that the town’s share of the supplemental county budget, as approved by the Department of Revenue Administration, should be assessed and paid in the ordinary course of taxation.

Sincerely,

Peter J. Minkow
Town Counsel



University of
New Hampshire



Technology Transfer Center
Kingsbury Hall #W220
33 Academic Way
Durham, NH 03824
V: 603.862.2826 / 800-423-0060 (NH only)
F: 603.862.0620
TTY: 7.7.7 (Relay NH)
www.t2.unh.edu

September 23, 2015

Board of Selectmen
Town of Moultonborough
PO BOX 139
Moultonborough, NH 03254



Re: Roads Scholar Program

Dear Sirs and Madams:

It is our pleasure to inform you that Andrew Wolanek has achieved the status of **Master Roads Scholar**, and **Safety Champion**. The T² Center has created the Roads Scholar Program to recognize various achievement levels in our educational program for people who work in public works.

Master Roads Scholar is the milestone **fourth achievement level** of six levels in the Roads Scholar Program. It is distinguished from the other levels by requiring the completion of 100 contact hours, including the requirements for Roads Scholar Two, which are: 20 hours in technical areas, 5 hours in supervision, 5 hours in environmental, and 10 hours in safety. The additional 60 hours required for this level are at the learner's discretion. The usual training session yields five hours of contact, therefore an individual must typically attend **twenty one-day workshops** to reach the level Andrew has completed.

Safety Champion is a side award given once a recipient achieves 20 Safety hours, regardless of what Level he has reached in the Program.

On behalf of the Technology Transfer Center, I am pleased to notify you of the extra effort and commitment that Andrew has demonstrated in order to achieve this status. He deserves to be congratulated for his persistence and drive to maintain a leading edge in the field of local road maintenance and construction.

Sincerely,

Amy Begnoche
LTAP Director

/acbcc: Andrew Wolanek

The UNH Technology Transfer Center is sponsored by the Federal Highway Administration and the New Hampshire Department of Transportation. One of the missions of the Technology Transfer Center is to provide educational support for the people who build and maintain the nation's infrastructure.