

1 **2017 Municipal Budget Process 2016 – Town of Lincoln**
2 **Budget Committee Meeting Minutes – December 15, 2016**
3 **Lincoln Town Hall, Lincoln, NH**

4 Attending: Marty Nastasia, Larry Sweeney, Cindy Lloyd, Dennis Ducharme, Patricia McTeague,
5 Chairman Mike Simons, Selectperson Jayne Ludwig, Deanna Huot, Secretary Susan Chenard,
6 Lutz Wallem, Cindy Rineer

7 Excused: Herbert Gardner and Beverly Hall

8 Staff: Finance Officer Helen Jones, Town Clerk/Tax Collector Johnna Hart and Town Manager
9 Butch Burbank

10 Public: Cemetery Trustees; Peter Govoni and Katrina Mack, Tammy Ham, and Paul Beaudin

12 **Call to Order:** Chairman Mike Simons called the meeting to order at 5:30pm.

14 **Review of meeting minutes of December 6, 2016**

15 The committee reviewed these minutes and made two corrections for clarification.

16 **Motion:** To accept the December 6, 2016 meeting minutes, as amended,

17 Motion: Deanna Huot Second: Dennis Ducharme Motion carries with 2 abstentions

19 **General Procedures**

20 After reviewing the agenda, the chairman explained to all present that the budget committee
21 had decided on a few procedural norms. We would vote on all of the budgets no sooner than at
22 the last meeting before the public hearing. We would discuss each presentation amongst the
23 department heads and the committee members first. Then he would invite public participation,
24 limiting this to about 3 minutes for each person, with questions directed to the chairman. Finally,
25 he would ask to close discussion on that subject until the last meeting before the public hearing.
26 The committee was also aiming for a 2 hour maximum meeting time.

28 **#2 - Town Clerk/Tax Collector - Johnna Hart**

- 29 • Town Manager Butch Burbank explained first that the wages section of this budget had
30 been broken out to show the town clerk and tax collector portion of wages separately.
31 (All town employee wages reflect a 2.75% - 3% wage increase. The town is still in
32 negotiations with the union however.) When Johnna was hired, the terms of her
33 employment indicated that her wages would be moved into the pay-range of this
34 position, when compared to 10 communities like ours. Though a significant increase
35 from last year, hers would be in the lower third of this range.
- 36 • Town Clerk and Tax Collector Johnna Hart then reviewed the rest of her budget. She felt
37 it was important to attend the annual Town Clerk/Tax Collector's 3-day conference in
38 North Conway to stay current on updates to laws concerning motor vehicles, vitals, etc.
- 39 • Johnna also switched to an outside firm to do Title and Mortgage Research, as they
40 have liability insurance for this. This is up \$500, as she anticipates an increase in that
41 type of research. Saber Mountain has 64 parcels in arrears, for example.
- 42 • Finally, she increased the budget for envelopes as she has been doing more mailings.

Cindy Rineer asked why offsetting revenues did not increase to \$319,000, which was the amount collected so far this year. Finance Officer Helen Jones explained that she was just being conservative, but also that she adjusts this in September for DRA. She'd be happy to adjust this now, but board members felt it was better to stay conservative on the budget. Mike asked about the wage change, but in reviewing several years' previous, saw that it was being brought close to the 2015 figure. The decrease last year had to do with the change in employee.

Johnna would also have spoken on the Elections Budget, but it had been left off of the agenda, by accident. Helen would post that for next week, December 20, and she and Butch could answer any questions. Johnna said she was happy to come to the meeting as well.

The Chairman asked for any Public Comment, but there was none.

Motion: To close discussion on the Town Clerk/Tax Collector budget until the meeting prior to the Public Hearing.

Motion: Jayne Ludwig Second: Patricia McTeague Motion carries unanimously.

#8 - Cemetery – Peter Govoni

Peter explained that he was presenting an almost flat budget, with only a 2.19% increase in wages.

Deanna said that the cemetery always looks great; then asked if there were any more bills that would be paid before the end of the year? Yes, Peter said that he expected that there would be under \$16,000 in the account by the end of the year. For example, he still needed to buy concrete slabs to replace old ones that were falling down, etc.

From the public, Paul Beaudin asked what the offsetting revenue was. Cindy Rineer said that it was \$6230 through November.

Motion: To close discussion on the Cemetery budget until the meeting prior to the Public Hearing.

Motion: Cindy Rineer Second: Patricia McTeague Motion carries unanimously.

#6 - Planning & Zoning – Butch Burbank

- The town Manager explained that the planning wages were reduced by 25.74% as they had been split out from the recording secretary wages, though each had been increased by 3%. Overtime had been brought up a little, as Carole and Wendy are both hourly employees and have been spending extra time. Still, the total wages for this department are down 10.47%.
- Membership dues showed an increase, as the town had agreed to pay for Carole to keep up her attorney's license, and there were costs affiliated with that.
- Advertising had been increased due to the number of notices being sent out by both the Planning and Zoning Boards.
- GIS query manager maintenance declined.

- FEMA/DATA updates are being automated. Flood plain mapping is automatic now.
- Public Works Map Editing is tied to GIS mapping. For example, all of the new Beechwood work is findable by satellite within inches.
- Office equipment shows an increase of \$1000 for fireproof storage cabinets. However, since then we have been researching and might digitize all records. We have already started with tax inventory cards and Board of Selectmen minutes. This will also reduce staff time in researching for Right-To-Know requests. Additionally, these new cabinets are very heavy, and we've discovered that the floor is starting to sag under the weight of the current ones.
- Offsetting revenue of \$2500 was estimated from fees collected at window.

Cindy asked if these digitized documents would be searchable. Yes, Butch was happy to report. Instead of 40 hours of research work, we could now have documents in minutes. The documents would also be backed up to the cloud and multiple servers, and be firewalled. Helen clarified that one could only search at town hall, not from home. Butch further said that different access and editing rules by user were in place.

The Chairman asked for any Public Comment, but there was none.

Motion: To close discussion on the Planning & Zoning budget until the meeting prior to the Public Hearing.

Motion: Cindy Lloyd Second: Cindy Rineer Motion carries unanimously.

#14 - Streetlights – Butch Burbank

This is a level budget so far. Butch said he spoke with someone at the New Hampshire Electric Cooperative (NHEC) and plans to change the streetlights to LED's at no cost to the town. This should show a future reduction in electric cost. The main streets are very dark and it is hard to see pedestrians at night. Dennis Ducharme has all LEDs at his development and says it is bright but soft. We have about 200 street lights, and are billed in bulk. The budget has reflected the same amount every year for past few years.

The Chairman asked for any Public Comment, but there was none.

Motion: To close discussion on the Streetlights budget until the meeting prior to the Public Hearing.

Motion: Larry Sweeney Second: Patricia McTeague Motion carries unanimously.

#24 - Long Term Debt/TAN – Butch Burbank

- Most of these show no change.
- The 2016 Beechwood Bond has a 1st payment due in 2017. That road is substantially complete. They just need to finish the drainage, seeding, loaming and applying a finish coat of asphalt, with some curbing adjustment.
- The 2016 Levee Bond should be ready soon. Butch is optimistic that we will be going out to bid in January. We are almost ready with all regulatory agencies.
- The 2016 Pollard Road Sidewalk loan, we just take out as we use it. So far, we only have the engineering.

Deanna reminded everyone about the TAN line item.

The Chairman asked for any Public Comment, but there was none.

Motion: To close discussion on the Long Term Debt/TAN budget until the meeting prior to the Public Hearing.

Motion: Jayne Ludwig Second: Cindy Lloyd Motion carries unanimously.

#19 - Health Agencies – Butch Burbank

- The budget packet included all letters of request. As long as back-up was provided as to the amount of actual Lincoln residents assisted, we gave each amount requested.
- Pemi Baker Community Health requested \$7,000, but they didn't supply any information on how they helped our residents. We called to ask and they couldn't give us any information either. North Country Home Health seems to help people requiring this assistance also. So, the Board of Selectmen denied this request.
- Tri-County Transit is new and matched by federal funds. They had 362 medical trips, and go to local hospitals as well as Dartmouth, etc.
- Burch House did not send a request, and Helen said that she includes a reminder that all requests must be in by October, when she sends the previous year's check.
- We received a new request from CASA, Court Appointed Special Advocates.

The Chairman asked for any Public Comment, but there was none.

Motion: To close discussion on the Health Agencies budget until the meeting prior to the Public Hearing.

Motion: Patricia McTeague Second: Deanna Huot Motion carries unanimously.

Other Business:

Helen had thought there would be a schedule conflict on February 7, 2017, with the Workforce Housing 2nd meeting. However, that is actually on the 1st, so we will continue as scheduled, with the addition of Elections for this Tuesday, December 20.

Deanna asked what would happen if the committee members had a question before the last meeting, especially if that needs research? Mike said to bring it up at any meeting. However, he said that we did not want to go over every subject all over again at the next meeting, in general.

Cindy Lloyd brought the answers to questions that were brought up at the last meeting, on December 6. She did not call Steve Buckley, but rather went through the Law, statute and Robert's Rules, and found answers there.

- Yes, Jayne Ludwig, as the Selectmen's representative, can vote. Ex officio members cannot be chairman, however.
- Abstention is a non-vote, not the same as opposed. It can have the effect of a no, for majority purposes. There should not be a need to recuse oneself, but rather, just abstain.
- Can a member vote to approve minutes of a meeting he did not attend? Yes, he does not need to have specific knowledge.

- There is no need for a motion to accept minutes or adjourn a meeting if there is general consent (no-one against). However, the committee may choose to continue to do so.
- RSA 91-A:2 states that no vote while in open session may be taken by secret ballot.
- How should a tie be handled when voting to appoint? One course is to re-vote. If the vote is a show of hands, the Chairman can, but is not obligated to, vote. If the Chairman does not vote, Robert's Rules of Order allows the chairman to vote last, to break a tie. However, the Chairman does not get to vote twice. If the Chairman did vote in creating the tie, then the vote must be taken again.
- Cindy Lloyd's research notes will be attached as an addendum to these minutes.

At 6:45pm,

Motion: To adjourn

Motion: Patricia McTeague

Second: Jayne Ludwig

Motion carries unanimously.


Chairman Mike Simons

1/5/17
Date

Can the Selectmen's Representative Vote?

NHMA Basic Law of Budgeting and RSA 32:15 – although not a (elected) member-at-large (RSA 32:15, V), the (appointed) representative member of the governing body (Selectmen) is an ex-officio member. They are voting members, but may not serve as chair. (pg. 56)

RSA 32:15, VI – One of the members-at-large shall be selected by the budget committee as chair.

Robert's Rules Article IX, 51. **Ex-Officio Members of Boards and Committees.** Frequently boards and committees contain some members who are members by virtue of their office, and, therefore, are termed ex-officio members. When such a member ceases to hold the office his membership of the board terminates automatically. If the ex-officio member is under the control of the society, there is no distinction between him and the other members except where the president is ex-officio member of all committees, in which case it is evidently the intention to permit, not to require, him to act as a member of the various committees, and therefore in counting a quorum he should not be counted as a member.

ParliPro.org - Can an ex-officio member vote, make motions, or debate?

Yes, the term "ex officio", when no written rule addresses it otherwise, refers to a METHOD of sitting with a body, not a "class" of membership. It tells how one becomes a member (by virtue of the office), not what their rights are. If the rights of ex-officio members are to be restricted, that must be done in the bylaws. Otherwise, ex-officio members have the same rights as elected or appointed members. For more information, refer to RONR 10th ed. pp. 466-467.

Is an abstention the same as voting opposed?

ParliPro.org - How do you count abstentions? As ayes? As no's?

In the usual case, abstentions are not counted. They are not "votes" technically. In a room of 100 people, a vote of 1-0 [one affirmative and zero negative] is legitimate, and renders a binding decision. Also, a vote of 1-0 in room of 100 people is technically a "unanimous vote" because there was no vote in opposition. However, if the bylaws specify "a majority of those PRESENT" or "two-thirds of those PRESENT", instead of "PRESENT AND VOTING", then an abstention has the same effect as a negative vote. (This language is generally undesirable, as it denies a member the right maintain a neutral position by abstaining.) For more information, refer to RONR 10th ed. p. 394 and p. 390.

Davis-Stirling Law - Abstentions. If someone states, "I abstain," their vote cannot be counted as a "yes" vote or a "no" vote. It is a non-vote. "To 'abstain' means not to vote at all." (Robert's Rules, 11th ed., p 45.) A director might abstain because he believes there was insufficient information for him to make a decision. An abstention may, however, have the practical effect of a "no" vote since a motion may fail for lack of sufficient "yes" votes.

In Robert's Rules, abstain also applies to a conflict of interest. There is no discussion of recusal with respect to voting.

Are secret ballots allowed for election to appoint?

RSA 91-A:2, II (NH Right to Know) – Except for town meetings, school district meetings, and elections, **no vote while in open (public) session may be taken by secret ballot.**

How should a tie be handled in voting to appoint?

Robert's Rules Article VIII, 46. When a quorum [64] is present, a majority vote, that is a majority of the votes cast, ignoring blanks, is sufficient for the adoption of any motion that is in order, except those mentioned in 48, which require a two-thirds vote. A plurality never adopts a motion nor elects any one to office, unless by virtue of a special rule previously adopted. **On a tie vote the motion is lost**, and the chair, if a member of the assembly, may vote to make it a tie unless the vote is by ballot. **The chair cannot, however, vote twice, first to make a tie and then give the casting vote.** In case of an appeal [21], though the question is, "Shall the decision of the chair stand as the judgment of the assembly?" a tie vote, even though his vote made it a tie, sustains the chair, upon the principle that the decision of the chair can be reversed only by a majority, including the chair if a member of the assembly.

Robert's Rules for Dummies - Handling Tie Votes

Because a tie vote isn't a majority, if your motion requires a majority vote, the motion is *lost* if it receives a tie vote. Therefore, a tie vote is as much of a decision as a majority vote in opposition. If the vote is by ballot, the presiding officer votes with everybody else, and a tie vote is either a lost motion or a failed election. If you're electing an officer, you must reballot until someone receives a majority. However, if the vote is by voice, by rising, or by counted vote, the presiding officer properly casts a vote only after the results are known and if he wants his vote to affect the outcome. However, if he doesn't want to change the outcome, the presiding officer shouldn't vote at all; by reserving his vote, he preserves the appearance of impartiality while presiding. (*Impartiality applies to larger assemblies.*)

ParliPro - In the event of a tie vote what are the President's duties or options?

On a tie vote, a motion requiring a majority vote for adoption is lost, since a tie is not a majority.

If the presiding officer is a member of the assembly, he can vote as any other member when the vote is by ballot. In all other cases the presiding officer, if a member of the assembly, can (but is not obliged to) vote whenever his vote will affect the result--that is, he can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he can vote either to cause or to block the attainment of the necessary two thirds.

The chair cannot vote twice, once as a member, then again in his capacity as presiding officer. In an appeal from the decision of the chair, a tie vote sustains the chair's decision, even though his vote created the tie, on the principle that the decision of the chair can be reversed only by a majority.

For more information, refer to RONR (10th ed.), pp. 392-393.

Generally stated: What happens if we have a tie vote? Does the president (Chairman) get to decide the election?

If the vote was a show of hands and the president, as the person presiding, didn't vote, then Robert's Rules allows the president to vote to break the tie. The important point here is that the president doesn't get to vote twice. If his/her vote was counted and the result was a tie, then you need to vote again. If his/her vote was not counted, then his/her vote breaks the tie.

Additional Findings (ParliPro):

Can a member vote on or second a motion to approve the minutes of a meeting that he did not attend? Yes, absolutely! There is no requirement in Robert's Rules of Order that a member have first-hand knowledge of something before voting on minutes or other motions. In fact, a motion need not be made regarding the approval of the minutes. The chair says, "Are there any corrections to the minutes?" Members may offer corrections, and when there are no further corrections forthcoming, the chair says, "If there are no further corrections to the minutes, they stand approved as corrected... the next item of business is..." or if no corrections are offered, "If there are no corrections to the minutes, they stand approved as read... the next item of business is..." Note that there is no second involved in this process. For more information, refer to RONR (10th ed.), pp. 343-344.