

Selectmen's Meeting Minutes  
Wednesday, August 31, 2016

At the Selectmen's Meeting held on Wednesday, August 31, 2016 at 6:30 p.m. the following people were in attendance: Wendy Hersom, Peter Corey, and Mark Lufkin.

Chairperson Hersom that we are reconvening tonight to continue the discussion about the Morrison's request for a tax exempt status for their senior living project across the street.

Morrison's attorney, Anna Hantz, said she had a conversation with Attorney Waugh. He made it clear he wasn't going to advise the Morrison. His sole reservation was that he understood the request was for a permanent resolution and that is not what the request is and we understand it is reviewed routinely. He did not see any missing information. He thought the Board had sufficient information to make their decision. He did not point to any omissions so it was a short and sweet conversation. She does have some more information to give to the Board from Monday to help clarify. She put some of the major points in summary, essentially identifying the congregate services, the a-la-carte services, community services and sources of funding that are anticipated and they are considering to provide subsidies for the various services. Finally she does have some pro-forma information which would need to be reviewed and discussed in non-public session as it is proprietary information.

Wendy asked who would the community services be available to the senior living community or the community at large? Attorney Hantz replied that they would be available to the entire town. Wendy said she still wanted to see the pro-forma information.

A motion was made by Attorney Hersom and seconded by Mark Lufkin and unanimously approved to enter in to non-public session pursuant to RSA 91:A-3. The Board entered in to non-public session at 6:40 p.m. Attorney Hantz said the Morrison board members can stay as they will be presenting the information and answering questions.

The public session reconvened at 7:00 p.m.

The Board of Selectmen confirmed with Morrison that they are not looking for an exemption for the 2016 tax year.

Brian Fogg said that they are asking essentially for the agreement that the property for the senior living project would be tax-exempt for 2017 (April 1, 2017 through March 31, 2018) understanding it will be reviewed on a yearly basis. The Morrison needs the tax exempt application signed for the project as proposed.

Dick Harris asked what are the requirements for the tax exempt status? There are four factors to qualify for a charitable tax exemption: The organization was established and is administered for a charitable purpose; An obligation exists to perform the organization's stated purpose to the public rather than simply to members of the organization; The land, in addition to being owned by the organization, is occupied by it and used directly for the state charitable purposes; and that any of the organization's income and profits are not used for any purpose other than the purpose for which the Morrison was established.

Dick asked why his mobile home park would not qualify for he said he does basically what the nursing home does? Whatever he makes for profit goes back in to the park. He said if he offered some meals and a doctor on call he would qualify. Wendy said it is very subjective. If he registered with the Charitable Trust and IRS he probably could qualify.

Edie asked when do the subsidies come in for the lower income people? A handful of people may not get subsidy if they are low income or moderate income. They need a lot of money to just break even.

Wendy said we are in the position that the Legislature has created this and if the Morrison qualifies, they qualify. It is up to the Board of Selectmen to determine if they qualify. If it part of the statute, there has to be gatekeeper for it. The idea is for whatever reason it goes through the local taxing authority.

Brian Fogg said it is a statutory provision that provides a tax rate for charitable organizations that provides services to the greater community, elderly and disabled and provide health services, wellness services, which avoids a burden on the community. If the Morrison was not providing these services, it would fall on the local community. Provide something for the public and relieve the burden on the public community.

The Morrison conducted a target study in terms of population and income in the area from which the project could draw on and the ranges in the feasibility study to figure out what the population was to draw for this project. This expansion will help keep the facility in the black. The Morrison project falls within a charitable endeavor. There is no question that the Morrison is non-profit. Edie is surprised that the Board of Selectmen decides this, and Wendy said that is how the legislature set it up.

Frank Lombardi said he has been on the planning board for 8-9 years, and he is speaking on his own behalf. Frank said when they were discussing this project at the planning board level last year, the planning board had a concern with the cottages because when you are looking at criteria for services provided, it seems like some of those services are as stretch for a charitable exemption. The memory loss care facility would qualify. Frank said with those cottages the Morrison might need to look at a compromise as part of the project can be non-profit and part of it is not. The Planning Board thought it was strange.

The definition of "Charitable" is the organization is established and administered for the purpose of performing and obligated by its charter to provide some service of public good or welfare advancing the spiritual, physical, intellectual, social or economic well-being of the general public or a substantial and indefinite segment of the general public that includes residents of the State of New Hampshire with no pecuniary profit or benefits to its officers or members. Just because a non-profit organization is non-profit it doesn't mean it is charitable.

Attorney Hantz said the people in independent living will live in their homes but still have services to allow them to maintain a level of independence but they are not independent. Frank said is there any opportunity to meet and go both ways here and say maybe tax part of it and make people happy with a compromise.

Brian Fogg said we are talking about a \$35,000 pilot and that is a value of \$1.5 million in the Town of Whitefield and you have the cottages at about \$100,000. \$35,000 pays the project on \$1,400,000. All the cottages are contributing to the mission and the cottages themselves are creating full tax revenue if you look at this way. The land in current use will have a land use change tax and the Morrison has made

the commitment of \$70,000 for sewer upgrades. There is a pretty good chunk of change in 2017. Brian said if you look at the \$35,000 in taxes is a \$1.5 million development in Whitefield so it is not really that far out of whack.

Edie said she would like the sewer connection to be denied for the Morrison. Edie said that raises a red flag and the water guy said we can make it work. Edie said they have spoken with DES who said there are dead zones in the lagoons and the State DES feels that is a red flag. Edie said we have concerns, and Wendy said the Board understands the concerns. Marsha Lombardi said the Selectmen need to carve a good deal for the Town.

Peter Corey made a motion to grant property tax exempt status to the Whitefield Senior Living Community (WSLC) project in accordance with N.H. RSA 72:23 and furthermore to accept \$35,000 as payment in lieu of taxes for the applicable WSLC property tax year, 2017. Wendy made a motion to include language that says nothing in the agreement shall limit the Board's legal authority to determine, based upon new or more complete information or data that the Applicant is not eligible for the charitable tax exemption with respect to the Whitefield Senior Living Community property for tax years 2017 and forward. Nothing in this agreement shall be deemed to relieve the Applicant from the legal obligation of filling the annual statement required by RSA 72:23-c, or to limit the legal authority of the Whitefield Board of Selectmen to require the Taxpayer to provide additional information pursuant to RSA 72:23-C II. Should the Board at any point in the future decide that the facility is fully or partially taxable, this agreement will be null and void. This agreement is non-binding on the Board for future years, and if there are any changes to the statute or applicable case law that would change the tax status for the agreement would be null and void subject to coming back and addressing it. Mark seconded the motion as amended. All in favor 3-0, also based on the contribution for \$70,000. An agreement will be drawn up. Meeting adjourned at 7:30 p.m.

At 7:45 p.m. the Board met at the fire station with the members of Whitefield-Fire Rescue.

The board apologized for the delay. Wendy said the purpose for this meeting is for us to meet with you with Jay's departure. Tom and Matt had to go on a call. We understand with Jay and Heather leaving there will be a hole. Lancaster and Twin has agreed to help us out. We are looking for more information from the members to see where everybody is at. Wendy said we have heard the scuttle around town about people who are going to quit if someone becomes Chief. We want to find out where everybody is at?

Bryan Glidden said we lost Ted Joubert a Weeks Paramedic and we lost a couple of fire guys already, but we have one back who said he was done so that is where we are as far as losing people. Is anyone planning on leaving depending on who gets the Chief job? Jerry Greer said that Jay was an awesome Chief. No one can replace what he has done for us and the department. Whoever comes in has big shoes to fill. It will be an adjustment period. It all depends on how they get along with who gets the position. We have to try to get along and mesh for things to work smoothly. If we have a chief who is always riding a person, they will probably get done. It all depends

Wendy said for the short term basis it most likely will be the Deputy Fire Chief and that is who she has heard that people will leave if Mossy is going to lead the crew. Shawn Sherwood said they have heard Alan Smith's name mentioned, and that may be an issue.

Mark Sodergren said he is going to stay and he is proud of his fire department family. His allegiance is to the townspeople and surrounding communities. Jerry Greer understands the Board's concerns. Jerry said a lot of them aren't going to go anywhere.

Chris Hadley said he would like to see things stay the way we have them. They have all worked hard to get where they have with the department.

Lori Comeau said no one is opposed to bringing on new members. We can absolutely definitely use the help. Lori said in the last two weeks they have been out straight.

We are very short on EMS. We have four strong EMS members who live in town. Matt will come down and help us out. The EMS will be dropping to 3 or 4 core members. The Department fire and EMS get together and if there is a med call would it be worth having the fire member go?

It was explained that you need two licenses to roll the vehicle. That third person not licensed is not much help. It would be good to have extra hands in a trauma situation. On a basic call, two people can handle the call. Lancaster and Dalton will be utilized more often. EMS may be short.

Ron, Carol, Terry Schmidt, used to be an officer with the department, and Mark who lives in Dalton. Dalton has a first response vehicle. Gary said with the officers and Mossy there is nothing to worry about on the fire side. Mutual aid is called immediately. They will respond to assist due to lack of manpower. Lori said we get called to Twin Mountain because they have so many accidents at the ski area. We will help them and they will respond here if they have to. It is very rare that we use them.

Jay has been doing the billing, and he said Mossy was familiar with the billing and payroll.

Are we looking to fill the position or what are we considering?

We are trying to figure out what we are going to do. We have been told we need to pay more for people to sign up and respond. EMS basically. EMS seems to be where the bigger hole is for coverage. We have been told we need to pay more.

Heather said if he told you that for years, why was nothing ever done. Heather said this all could have been avoided. Wendy said that Heather has made it clear she doesn't want to stay. Wendy said when you talk about comparing us with Lancaster, Lancaster has the ability to pay significantly more as they make \$400,000 for the Town. The Town of Whitefield, we are struggling to pay for everything in Town. We just got yelled at for a decision we just made. There is not a money tree behind town hall. Pay everybody more it affects everybody as well. This is not a wealthy town.

We are not in the same position as Lancaster. We don't expect the department to pay for itself. We have never said that. We just can't pay more and more every year. If someone has a great idea on that, Wendy is all ears. She is trying to figure ways to give them more.

Wendy said one idea we have been discussing is to create a couple of positions. One of the big costs of having a full-time Fire Chief is 29% of their salary is contributed to the N.H. Retirement System so a \$50,000 position turns in to a much higher number with all the benefits added in. Tell us where it is coming from? Heather said maybe if the Highway Department didn't get as much as they did, and that has been a bone of contention. Wendy said everybody comes to her and says fix it, fix it. Wendy said we have kicked around a little bit, two part-time people and Wendy said one thing we could do better is

changing our billing practices to bring in more revenue. We charge \$7,500 to Dalton for coverage, and the net result of this they were paying \$80 a call and for Whitefield the calls are \$420 a call. Wendy said if someone from Dalton came to her and said Dalton will take over our ambulance service for \$7,500, Wendy would say sure. That is a huge benefit—they are not paying their fair share. The number of calls you go on to Dalton is taxing your department. If we can have more revenue for our services then that would be more for the Department.

Lori said Dalton comes and helps us out a lot. Wendy said if we paid them, their cost is way less than ours. Wendy said it is not like we are ignoring it. The person in charge of the department should have been doing it rather than to just show up to the Board every year and see we want more money. Come up with solutions to problems. The selectmen are not full-time employees. It is a plus to our budget when we can generate revenue sources. Other towns are creating revenue sources like Lancaster. Some of it is the way it is billed—they go after the better paying sources. An example is if you go to a car accident. Four people who all have to go to the hospital. Bill Medicare and Medicare you get \$110—if you have car insurance you can take the \$440 and turn it in to \$3000. Billing them instead. Respond to a call in January have a deductible we just wait six months some nuances to it. The Town of Gorham went from \$140,000 in revenues to \$400,000. Wendy has no problem giving that back to the department. That has not been done. It has not been explored. There are things we can do better. Looking at part-time EMT's. Benefits are a huge component.

What is our plan? We aren't sure. If we can cover more hours on the EMS side, and Jay has been trying to figure that out for years. People don't want to come here to go on calls for a lot less than Lancaster. If you take a class for a training, you have to stay with a department for a certain amount of time.

Wendy said she believes if we paid for the training people were supposed to make the commitment. Chris said to a point it has been. This is a volunteer department. A lot of guys start out as volunteers and work their way up. Some full-time guys will stay on the department in their own time. We are not trying to stop anyone from bettering themselves. If you can get a year of service out of someone, then that pays for their Level 1 training. You can sign a contract that they make a commitment.

Anyone is welcome to attend the meetings. If we think of something we can participate in the meetings. Chris said the EMS has to stay in-house. What does Lancaster do per year for med calls? For a small town, the calls go up every year. Almost seems like EMS needs to be full-time people on a shift.

The EMS should be the focus. They bring in more revenue. They are a lot busier than the fire calls. The approach has not been the fire side of the house is the difficult part. The EMS is the issue.

It would be nice to see more members come in. If during the day, we are lucky to only have 3 guys show up. The trucks roll with a small crew.

Jacob Ineson said the EMT class is really not for everybody. Some people are not comfortable with it. People have issues with works schedules, etc.

Concentrate more on the EMS side—Wendy said we having an understand of that. Wendy said we are open for suggestions.

Jay is big shoes to fill. Chris Hadley said he feels if we decide to fill the fire chief position, promote from within is the best way to go.

Peter said on behalf of the Board thank you for what you do for the community. Public safety is one of our primary concerns. Take time out of their busy schedule is appreciated by the Board and citizens as well. People complain, but they don't say thank you. Thank you on behalf of the Board. We have a lot of challenges before us. There are a lot of issues, water, sewer, fire, EMS. There is a lot going on. Thank you Heather and Jay and feel good about what you have done. We wish them the best. It is a good advancement for Jay and take advantage of that opportunity for his family.

Peter said Gary was in the military and it is about the mission. Leaders come and go. You develop loyalties, friendships, trust and structure but things change and change is tough sometimes. People come in and it may be a rough transition and you develop those same trusts and commitments and to our mission to protect the citizens.

Jacob said Jay told them not to quit. There is nothing better than helping someone on their worse side.

We are committed and obligated to solving this problem. We are looking at any and all ideas and will take that into consideration as we make our decision.

Thank you for your time and commitment to the Town. We will keep them updated. Keep things going as is.

We have a schedule for Ems for signing up. There are some holes, but there is enough of us will fill the holes as much as we can. Lancaster and Twin Mountain don't know the geography of the Town. Draw a map when you have a hole, we can put them on notice that would be helpful. Dalton is an automatic second tone. Lori said Dalton is pretty reliable for showing up if we need them to.

Peter asked who the point contact person was? Lori and Tom or possibly Mossy or share it. They can let us know. Lori said Mossy has a lot to come back to, and he has a full-time job. Mossy is retiring in October, and he is thinking of relocating. The Board needs to sit down and talk with him.

Wendy told the members don't worry about their positions and we will discuss what we are going to do. Show a lot of respect to talk to them. We are not trying to make this decision without you. Lori said the hard part is the rumors. Wendy said we hear rumors all the time about what we say and do, a lot of things that are in the rumor mill are completely not true. There was a rumor that the Board refused to buy water for the Fire-Rescue. That never, ever got said.

The members said that it would be nice when they have their business meeting if one of the Selectmen could come and give us an update of what is going on and they can take notes of what they are hearing. Wendy said there is a respect level for the Chief. If you hear a rumor and have a concern, ask the Board. Let's have open communication.

Would like to see promoting from within the department if you can—the structure is already here.

The Board approved submitting an application for the Transportation Alternatives Program (TAP) for a sidewalk repair project in Whitefield. The Board is committed to seeking the necessary funds for this project through a warrant article at the 2017 town meeting. The Town will need to come up with 20% match money.

The meeting adjourned at 8:45 p.m.

