

2015
Warrant
&
Budget
11/18/14

TOWN OF MOULTONBOROUGH

STATE OF NEW HAMPSHIRE

TOWN WARRANT FOR 2015

To the inhabitants of the Town of Moultonborough in the County of Carroll, in said State, qualified to vote in Town Affairs:

You are hereby notified to meet at the Moultonborough Public Safety Building, 1035 Whittier Highway, in said Moultonborough, on Tuesday the 10th day of March, 2015, at 7:00 A.M., to act upon Article 1 of the Warrant. The polls will close no earlier than 7:00 P.M.

The Voters will take up Article 2 and the remaining Articles of the Warrant on Saturday, March 14, 2015, at 9:00 A.M., (School District will meet first, with a twenty minute adjournment before Town Meeting) at the Auditorium, Moultonborough Academy.

ARTICLE 1

To choose by ballot and majority vote: Two (2) Selectman for three (3) years, One (1) Moderator for Two (2) years, One (1) Trustee of Trust Funds for Three (3) years, One (1) Treasurer for Three (3) years, Two (2) Library Trustees for Three (3) Years, ___ () Planning Board Members for Three (3) years, and Three (3) Zoning Board of Adjustment Members for Three (3) Years.

ARTICLE 2 *(Taken from Public Notice - Zoning Amendments Public Hearings for 2015 Town Meeting)*

This proposal will Amend Zoning Ordinance Article III, General provisions by removing the reference for subdivision approval for a second dwelling on one lot and clarifying that the review and approval by the Planning Board involves the applicant certifying that the lot has the required unit density based on soils groups and slopes of the land. The clarification in wording does not change the process that the Board has used and will now meet the wording and intent of Warrant Article 2, passed by the voters at the 2001 Town Meeting. Refer to p. 13 of the Annual Town Report for the year ending December 31, 2001.

(Recommended by Planning Board _ Yes – _ No)

ARTICLE 3

This proposal will amend Zoning Ordinance Article VII (D), Nonconforming Uses & (E) Nonconforming Structures, by removing language that imposes a percentage limitation on the expansion of nonconforming residential uses, when in fact there are no nonconforming residential uses in any zoning district because such uses are allowed in every zone. The change also clarifies that nonconforming residential structures (because of changes in dimensional requirement like setbacks) may be expanded within the setbacks within specific guidelines and to certain limitations as laid out in the ordinance section.

(Recommended by Planning Board _ Yes – _ No)

ARTICLE 4

This proposal will amend Zoning Ordinance Article XI (H) (2) by removing “tag, barn, garage” and adding special event to the term “commercial temporary uses”. The change clarifies that special events are, and tag, barn and garage sales are not commercial temporary uses. Finally, language has been added that allows a commercial temporary use a longer time to occur, but only for once a year. The wording being added is “or up to ten (10) consecutive days on a one-time basis annually”.

(Recommended by Planning Board _ Yes – _ No)

ARTICLE 5

This proposal will amend Zoning Ordinance Article XV, Definitions by adding a new definition for bedroom as follows: “A room furnished with a bed and intended primarily for sleeping, unless otherwise specified by other regulations contained in this title or other local regulations.” The Code & Health Officer is given a solid statutory basis for permit review and code enforcement by adding a definition that is based on wording from NH RSA 485-A:2, XX, where there has been no official definition in the past.

(Recommended by Planning Board _ Yes – _ No)

ARTICLE 6

This proposal will amend Zoning Ordinance Article XV, Definitions, Section 1503 General Definitions, D: Dwelling by adding a new sub-term, “Seasonal, recreational or occasional use dwelling”, and further clarifies that if said dwelling types are rented on a weekend, weekly, monthly or seasonal basis, there is an occupancy limit. The limit is defined as either 12 occupants or no more than the approved design shown on the NH DES septic construction and operational approvals for the lot based on three (3) persons per bedroom as indicated on the aforementioned approvals (or one (1) person per 50 gallons/day). The amendment also clarifies that there is no maximum occupancy for these types of rentals if the property is served by the Bay Sewer District system.

(Recommended by Planning Board _ Yes – _ No)

ARTICLE 7, 8, & 9

Placeholders re potential lease extensions re: NHECO Solar Farm, Disalvo et al

ARTICLE 10

To see if the Town will vote to ratify ordinances previously adopted by the Selectboard as follows:

Ordinance #	Title of Ordinance
#1	An Ordinance Relative to Dog Control Regulation-Leash Law
#2	Relative to Dog Control Regulation-Unlicensed Dogs
#3	An Ordinance Relative to All Pets Control Regulation-Town-Owned Beaches
#4	An Ordinance Relative to Use of Town Beaches
#5	An Ordinance Relative to Boat Parking at Town-Owned Dock & Launch Ramps
#6	An Ordinance Relative to the Feeding of Ducks and Wild Animals
#7	An Ordinance Relative to the Operation of the Moultonborough Resource Recovery Park Waste Management Facility
#8	An Ordinance Relative to Parking Regulations
#9	An Ordinance Relative to Drinking in Public
#10	An Ordinance Relative to Unnecessary Noise
#10A	An Ordinance Relative to the Misuse of Vehicular Power
#11	An Ordinance Relative to Jumping off Bridges
#12	An Ordinance Relative to the Nuisance/False Alarms
#13	An Ordinance Relative to the Construction of Driveways
#14	An Ordinance Relative to Building Permits
#15	An Ordinance Relative to a Building Code
#16	An Ordinance Relative to Sewage Disposal Systems
#17	An Ordinance Relative to Salesmen and Solicitors in the Town of Moultonborough, NH
#18	An Ordinance Relative (<i>sic</i>) Street Excavation Ordinance
#19	An Ordinance Relating to Snow Obstruction
#20	An Ordinance for the Establishment of a Building Numbering System

Provided further that sections 10.1.5 and 10.2.8, which conflict with the Fireworks Ordinance as adopted under Article 22 of the March 15, 2014 Annual Town Meeting, are repealed and section 10.1.5 is to be

[Note: The vagueness of the statute(s) with respect to whether it is the legislative or governing body is authorized to adopt ordinance on behalf of "the Town".]

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 11

To see if the Town will vote to amend Ordinance #22, as adopted at Article 22 of the 2014 Annual Town Meeting, to strike the wording "... (2) New Year, limit use to 12 noon and up to 15 minutes past midnight of the holiday." and insert in lieu thereof the following wording, "... (2) New Year, limit use to 12 noon of December 31st of the year to 12:15 a.m. of January 1st of the year."

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 12

To see if the Town will vote to raise and appropriate the sum of Eight Hundred Ten Thousand Dollars (\$810,000) for a road improvement program as generally illustrated below.

Project	Budget
Randall Rd (687'), Pave, Shim & Overlay	\$11,000
Ames Rd (634'), Pave, Shim & Overlay	\$10,000
Playground Dr (475'), Pave, Shim & Overlay	\$8,000
Myers Rd (317'), Pave, Shim & Overlay	\$5,500
Crack Sealing – Roads TBD Spring 2015	\$10,000
Chip Sealing: Brae Burn Rd, Countryside La, Susan Ln, Victory Ln, Melly Ln, Buckingham Est Rd	\$50,000
Lee Rd (3,700'), Reclaim Asphalt & Repave	\$160,000
Ossipee Mtn Rd (1,000'), Reclaim Asphalt & Repave	\$135,000
Ossipee Mtn Rd (1,000'), Reconstruction	\$100,000
Intersection of Far Echo Rd & Moultonboro Neck Rd Intersection Intersection Shaker Jerry Rd & Wentworth Shores Rd Intersection of Old Rte 109 & Rte 25 Intersection of Castle Shores Rd & States Landing	\$165,000
Contingency 10%	\$65,500
2015-2016 Engineering	\$90,000
Total	\$810,000

[Note: Inclusion of any road or intersection on this list was based upon a condition assessment and budget estimate prepared in November of 2014. It is no guarantee of work being undertaken on the identified roadway. Final construction decisions are made upon the acquisition of needed easements or right of way, detailed engineering and actual bids received with work deletions or additions based upon the final bids.]

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 12

To see if the Town will vote to (a) raise and appropriate the sum of Four Hundred Thirty Eight Thousand Five Hundred Dollars (\$438,500) for a program of capital improvements and expenditures and equipment as generally illustrated below, and (b) meet said appropriation by a withdrawal of One Hundred Fifty Seven Thousand Five Hundred Dollars (\$157,500) from the Public Works Equipment Capital Reserve Fund, Seventy Five Thousand Dollars (\$75,000) from the Municipal Building Facilities Capital Reserve Fund, and the balance of Two Hundred Six Thousand Dollars (\$206,000) to come from taxation.

Department/Project	
Fire Department (Turn Out Gear)	\$15,000
Police Department (Cruiser & Fit Out)	\$50,500
DPW – Highway (Pay-Loader)	\$185,000
DPW – Facilities (Public Safety Building Energy Improvements) ¹	\$30,000
DPW – Facilities (Highway Garage Water Treatment)	\$20,000
DPW – Facilities (Public Safety Building Parking Lot Design)	\$10,000
Recreation – Facilities (Pathway Phase II Retrofit)	\$63,000
Recreation – Facilities (Softball Field Initial Design & Permitting)	\$15,000
Recreation – Facilities (States Landing)	\$50,000
Total	\$438,500

[Note: ¹ The Town may be able to recoup up to \$15,000 in a grant/rebate from the NH Electrical Cooperative.]

(Recommended by Selectmen _ Yes – _ No)
 (Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 13

To see if the Town will vote to raise and appropriate the sum of Four Hundred Twenty Four Thousand Dollars (\$424,000) and to deposit the same in the following Capital Reserve Funds:

Capital Reserve Funds	Budget
Communication Technology CRF	\$27,500
Reappraisal CRF	\$24,000
Firefighting Equipment CRF	\$110,000
DPW Equipment CRF	\$162,500
Municipal Buildings & Facilities CRF	\$100,000
Total	\$424,000

(Recommended by Selectmen _ Yes – _ No)
 (Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 14

To see if the Town will vote to raise and appropriate the sum of Two Hundred Six Thousand Five Hundred Dollars (\$206,500) and to deposit the same in the following Expendable Trust Funds:

Expendable Trust Funds	Budget
Milfoil	\$200,000
Lee's Mills	\$3,000
Police Communications	\$1,000
Dry Hydrant	\$2,500
Total	\$206,500

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 15

To see if the Town will vote to authorize the Board of Selectmen to enter into a five-year lease/purchase agreement for the purpose of leasing, with the total value of the agreement not to exceed Two Hundred Forty Two Thousand Five Hundred Dollars (\$242,500), a new Fire Department Initial Attack Apparatus and to raise and appropriate the sum of Forty Eight Thousand Five Hundred Dollars (\$48,500) for the first year's payment for that purpose with said agreement to include a so-called "escape clause".

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 16

To see if the Town will vote to raise and appropriate, subject to any and all changes made at this meeting, the sum of Seven Million Seven Hundred Ten Thousand Seven Hundred Fifty Dollars (\$7,710,750) to pay the expenses of General Government, Public Safety, Public Works (including Highways, Cemeteries, Buildings and Grounds, and Transfer Station), Human Services, Visiting Nurse Service, Culture and Recreation, and Development Services.

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

A

ARTICLE 17

To see if the Town will vote to raise and appropriate the sum of Four Hundred Ninety Three Thousand One Hundred Fifty Six Dollars (\$493,156) to pay the expense of operating the Public Library.

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 18

To see if the Town of Moultonboro will vote to raise and appropriate the sum of Two Thousand Five Hundred Dollars (\$2,500) for the purpose of supporting a portion of the services provided to area residents to access counseling and family support services, without regard to income from Child and Family Services.

(By Petition)

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE XX

(By Petition)

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE XX

(By Petition)

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE XX

(By Petition)

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE XX

(By Petition)

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE XX

(By Petition)

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE XX

(By Petition)

(Recommended by Selectmen _ Yes – _ No)

(Recommended by Advisory Budget Committee _ Yes – _ No)

ARTICLE 38

To transact any other business that may legally come before said Meeting.

Given under our hands and seal this ____th day of February, 2015

Jonathan W. Tolman, Chairman
Joel R. Mudgett, Vice Chair
Paul T. Punturieri
Christopher P. Shipp
Russell C. Wakefield
Selectmen of Moultonborough

A True Copy of Warrant Attest:

Jonathan W. Tolman, Chairman
Joel R. Mudgett, Vice Chair
Paul T. Punturieri
Christopher P. Shipp
Russell C. Wakefield
Selectmen of Moultonborough

Moultonborough Planning Board

Public Notice – Zoning Amendments Public Hearings for 2015 Town Meeting

December 17, 2014*

7:00 P.M.

Moultonborough Town Office

V. Hearings – Zoning Amendments for Town Meeting

1. **Removal of word “Subdivision”** - This proposal will amend *Zoning Ordinance Article III, General Provisions* by removing the reference for subdivision approval for a second dwelling on one lot and clarifying that the review and approval by the Planning Board involves the applicant certifying that the lot has the required unit density based on soils groups and slopes of the land. The clarification in wording does not change the process that the Board has used and will now meet the wording and intent of Warrant Article 2, passed by the voters at the 2001 Town Meeting. Refer to p. 13 of the Annual Town Report for the year ending December 31, 2001.
2. **Nonconforming Uses & Structures** – This proposal will amend *Zoning Ordinance Article VII (D), Nonconforming Uses & (E) Nonconforming Structures*, by removing language that imposes a percentage limitation on the expansion of nonconforming residential uses, when in fact there are no nonconforming residential uses in any zoning district because such uses are allowed in every zone. The change also clarifies that nonconforming residential structures (because of changes in dimensional requirement like setbacks) may be expanded within the setbacks within specific guidelines and to certain limitations as laid out in the ordinance section.
3. **Temporary Use: tag, barn, garage** – This proposal will amend *Zoning Ordinance Article XI (H) (2)* by removing “tag, barn, garage” and adding special event to the term “commercial temporary uses”. The change clarifies that special events are, and tag, barn and garage sales are not commercial temporary uses. Finally, language has been added that allows a commercial temporary use a longer time to occur, but only for once a year. The wording being added is “or up to ten (10) consecutive days on a one-time basis annually”.
4. **Addition to General Definitions Section** - This proposal will amend *Zoning Ordinance Article XV, Definitions* by adding a new definition for bedroom as follows: “A room furnished with a bed and intended primarily for sleeping, unless otherwise specified by other regulations contained in this title or other local regulations.” The Code & Health Officer is given a solid statutory basis for permit review and code enforcement by adding a definition that is based on wording from NH RSA 485-A: 2, XX, where there has been no official definition in the past.
5. **Amendment to General Definitions Section** - This proposal will amend *Zoning Ordinance Article XV, Definitions, Section 1503 General Definitions, D: Dwelling* by adding a new sub-term, “Seasonal, recreational or occasional use dwelling”, and further clarifies that if said dwelling types are rented on a weekend, weekly, monthly or seasonal basis, there is an occupancy limit. The limit is defined as either 12 occupants or no more than the approved design shown on the NH DES septic construction and operational approvals for the lot based on three (3) persons per bedroom as indicated on the aforementioned approvals (or one (1) person per 50 gallons/day). The amendment also clarifies that there is no maximum occupancy for these types of rentals if the property is served by the Bay Sewer District system.

Complete copies of these Draft Ordinances are available for the public to inspect in the Development Services Department at Moultonborough Town Hall on 6 Holland Street or on the Town’s Website at http://www.moultonboroughnh.gov/Pages/MoultonboroughNH_Planning/index under “Additional Links”.

***Snow Date:** December 22, 2014

Second Hearing (if Required): January 14, 2015, with a **Snow Date of:** January 19, 2015

All Public Hearings for Zoning Amendments to be held at the Moultonborough Town Hall at 7:00 P.M.

Josh Bartlett
Chairperson

247

Zoning amendments approved for posting/sending to public hearing by Planning

Board on October 29, 2014

Key: *Blue Bold Italic text is new wording*

~~Red strikethrough text is deleted wording~~

Amendment 1

“ARTICLE III

General Provisions

All land in the Town of Moultonborough shall be subject to the limitations set forth herein.

Single family residential, (two-family residential with ~~Subdivision~~ *Planning Board review and approval of an application certifying that the minimum lot size requirement (unit density) for the second dwelling or unit on a lot has been met* ~~approval~~ as per the requirements of *Article III A. and* Table I) and agricultural uses are allowed throughout the Town of Moultonborough...”

Amendment 2

ARTICLE VII

Miscellaneous

“D. Nonconforming uses.

Where, at the time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided that:

(1) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

Zoning amendments approved for posting/sending to public hearing by Planning

Board on October 29, 2014

~~with the exception of a single-family structure. Said single-family structure may be expanded up to twenty (20) percent of its gross habitable floor space provided the addition conforms to all other applicable regulations and ordinances and no additional units are created.~~

(2) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

(3) If any nonconforming use ceases for any reason for a continuous period of two (2) years or more other than for reasons beyond the control of the owner of the property, except for provisions of D. (1) and (2) above, or is changed to or replaced by a conforming use, the land and building theretofore devoted to such nonconforming use shall thereupon be subject to all the regulations as to use for the zoning district in which such land and building are located as if such nonconforming use had never existed. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

(4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land with the exception of accessory structures associated with a single-family house provided they comply with all other applicable ordinances and regulations.

E. Nonconforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot

Zoning amendments approved for posting/sending to public hearing by Planning

Board on October 29, 2014

coverage, height or setbacks, its location on the lot or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following:

(1) ~~Except as provided for in D. (1) above, n~~ No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) A building or structure nonconforming either in terms of use or volume (bulk) may be restored to its former volume (bulk) if destroyed by fire or other hazard, provided that restoration of the structure is begun within twelve (12) months after the act of destruction. All such structures in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, alterations or repairs are in compliance with the provisions of (1) above.

(3) Should such structure be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) Additions to nonconforming single-family structures, that were made nonconforming by a zoning amendment that changed the front, side or rear setback requirements, shall be permitted within the front, side or rear setback areas, *or waterfront setbacks*, provided that the addition is no closer to the lot line *or the reference line* than the existing nonconforming structure, and no closer than ten (10) feet from the lot line *or the reference line*. *The nonconforming portion of such addition's area footprint shall not exceed a calculation of 20% of the structure's habitable floor space as of the effective date of this provision, and shall not extend towards the applicable lot line or reference line any closer than the existing nonconforming structure's*

Zoning amendments approved for posting/sending to public hearing by Planning

Board on October 29, 2014

exterior wall, or a line parallel to and extending from the existing nonconforming structure's exterior wall closest to the applicable lot line or reference line. The effective date for Article VII, Sections D and E above: November 3, 2014."

Amendment 3

ARTICLE XI

Administration

"H. Issuing Permits

(1) Temporary Use. Residential sales (tag, barn, yard, garage, etc.). The temporary use for the occasional sale of personal items, conducted at the residence of the homeowner to dispose of surplus items will not require a special exception or permit for change of use. "Occasional" shall be defined as no more frequently than 4 days, either separately or grouped, during any 60 day period.

(2) Temporary Use. Commercial uses *such as*; (~~tag, barn, garage, special event~~, flea market, farmers market, etc.). Temporary uses, up to a maximum of three (3) consecutive days over a 30 day period, *or up to ten (10) consecutive days on a one-time basis annually*, may be permitted upon application to and approval by the Board of Selectmen. Such occupancy and use shall be subject to any reasonable conditions and safeguards which the Board of Selectmen may impose to minimize any injurious effect upon the neighborhood or to protect contiguous property. Rather than acting upon an

Zoning amendments approved for posting/sending to public hearing by Planning

Board on October 29, 2014

application, the selectmen may at any time direct the applicant to proceed through the board of adjustment rather than through the selectmen.”

Amendment 4

“ARTICLE XV: DEFINITIONS

Section 1503 General Definitions

B

Bedroom: A room furnished with a bed and intended primarily for sleeping, unless otherwise specified by other regulations contained in this title or other local regulations.”

Amendment 5

“ARTICLE XV: DEFINITIONS

Section 1503 General Definitions

D

Dwelling: A building or portion thereof containing one or more dwelling units.

Single-family dwelling: A building consisting of a single dwelling unit.

Two-family dwelling: A building consisting of two dwelling units.

Multifamily dwelling: A building consisting of three or more dwelling units.

Zoning amendments approved for posting/sending to public hearing by Planning

Board on October 29, 2014

Seasonal, recreational or occasional use dwelling: Seasonal, recreational or occasional use housing that is rented on a weekend, weekly, monthly or seasonal basis shall have a rental occupancy limit. The maximum occupancy of such rental housing shall not exceed 12, unless such seasonal, recreational or occasional use rental housing has received both Construction and Operational Approvals per NH DES Env-Wq 1000 for an individual sewage disposal system subsequent to January 1, 1995. The maximum occupancy for such rental housing that has received such NH DES approvals shall not exceed three (3) persons per bedroom as indicated on the aforementioned approvals (or one (1) person per 50 gallons/day). There shall be no occupancy limit for such seasonal, recreational or occasional use rental housing that is serviced by the Bay Sewer District.”

TOWN OF MOULTONBOROUGH

An Order Creating a Capital Improvements Program Committee

Charge & Composition

1.) Purpose and Intent

A need has been identified to plan for the orderly implementation and financing of a capital improvements program in a manner which meets the needs of the Town and minimizes fluctuations of the tax rate and the impact thereof upon its taxpayers. In order to address that need, there is hereby established a Capital Improvements Program Committee (hereafter the "Committee").

2.) Authority

This Order is adopted, ~~and may be amended from time to time,~~ pursuant to Warrant Article 10 of the March 14, 2009 Town Meeting authorizing the Board of Selectmen (hereafter the "SelectBoard") to appoint such a committee and the authority of the SelectBoard ~~to make policy and issue directives to make and order its prudential affairs.~~ The Committee shall operate under the framework of RSA 674:5, 6, 7 and 8 and that set forth herein.

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3.) Definitions

Words used in this Order shall be defined by the common usage under New Hampshire Statute unless otherwise defined herein. Wherever the masculine gender is used it shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary.

4.) Composition & Term

a. Members, Appointment and Removal

The Capital Improvement Planning Committee shall be composed of five (5) permanent members and two (2) alternate members as follows:

- One (1) from the SelectBoard,
- One (1) from the Advisory Budget Committee,
- One (1) from the Planning Board,
- Two (2) from the at-large residents of the Town, and
- Two (2) alternate members from the at-large residents of the Town.

Except as otherwise provided herein, the members shall be appointed by a majority vote of the SelectBoard. The SelectBoard, Advisory Budget Committee and Planning Board members shall each be appointed by their respective bodies. Those three (3) bodies may also each appoint an

Capital Improvements Program Committee
Charge & Composition

alternate from their body to sit in the stead of such appointed member. The Advisory Budget Committee and Planning Board may not appoint any person serving upon their respective body in an ex-officio capacity to the Committee. Members may be removed for cause, after notice and a hearing, by the appointing authority.

In addition thereto, the Town Planner and the Finance Director shall serve as ex-officio non-voting members who shall otherwise enjoy full privileges to participate in the proceedings of the Committee provided that they may not be elected to any officer position nor be counted toward the quorum requirement.

None of the at large members or alternate members may be employed by the Town in a full-time elected or appointed position due to what some might perceive as a desire on their part to further the interests of their operational units without giving due consideration to the needs of the organization as a whole.

b. Term of Office

The term of office shall not commence until the member is sworn to the faithful performance of their office by the Town Clerk. The term of Ex-Officio members from the SelectBoard, Planning Board, and Advisory Budget Committee shall end annually upon the date of the Town Election. At-large members and alternates shall serve a term of three years to end on ~~March 30th~~ of a given year. The initial appointments shall be made in such a fashion that none of the terms of the permanent members shall expire in the same year and the terms of the alternate members shall not expire in the same year. Appointments to fill a vacancy shall be for the period remaining in the unexpired term.

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c. Seating and Capacity of Alternate Members

Alternate at-large members shall be seated to participate in any matter where a permanent member has excused himself over a matter in which he has a conflict or to provide a full complement of five members to conduct business. The minutes shall reflect any alternate member seated to act in the stead of a permanent member and the reason therefore. A seated alternate member shall have all the rights and voting privileges of a permanent member.

d. Officers

The Committee shall ~~annually, at its first meeting following March 30th~~ elect a Chair from amongst its members. It may ~~create and fill such other offices as it may deem necessary~~ for its work. ~~Ex officio members are not eligible to serve as officers of the Committee,~~ The term of the Chair, and any other such officers, shall be ~~for one year and he shall be eligible for reelection.~~

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5.) Powers and Duties

a. Annual Program

The Committee shall, in the year beginning on January 1, 2011 and then annually thereafter, prepare and submit to the SelectBoard, for their review and consideration, a report recommending a Capital Improvement Program (hereafter the "Program") for a period of no less than the coming six (6) fiscal years, including a Capital Improvement Budget for the next fiscal year, and the financing thereof. The purpose and effect of the Program shall be to aid the SelectBoard and the advisory budget committee in their financial planning and deliberations on annual budget requests.

The Program shall contain the estimated cost of each project and indicate probable operating and maintenance costs and probable revenues, if any, as well as existing sources of funds or the need for additional sources of funds for the implementation and operation of each project. The program may encompass both projects being currently undertaken and future projects to be undertaken with federal, state, county and other public funds. The Program shall classify all projects in an order of relative ranking based upon factors such as payback, compliance with codes, need for maintenance or expansion of service, urgency and need for realization and the like, shall recommend a time sequence for their implementation, and specifically comment on the relationship of the Program and budget to its consistency with the Town's Master Plan.

The Program shall include only those capital projects and improvements (hereafter the "Project") involving tangible assets and projects which (1) have a useful life of not less than five years and (2) cost over \$10,000 or such other sum which conforms with Statement #34 of the Governmental Accounting Standards Board (GASB 34) or such future equivalent capitalization schedules. It shall be an evasion of this Order to propose to finance an item meeting the foregoing definitions through normal operations or otherwise without first submitting the same to the Committee.

The Program shall be submitted to the SelectBoard by September 1st of each year together with filing a copy with the Advisory Budget Committee, the Office of the Town Clerk, and the NH Office of Energy and Planning. In preparing and submitting its annual Program, the Committee shall hold at least one public hearing at least fourteen (14) days prior to submitting said Program and give warning of the public hearing with no less than fourteen (14) days notice. A copy of the proposed Program shall be available to the public at the time of the notice being published.

In the time period prior to January 1, 2011, the Committee shall act diligently to: (a) obtain familiarity with the Town's current physical plant, infrastructure, and capital equipment, (b) review the Town's capital expenditures for the past 10 Fiscal Years, (c) review available documents detailing future capital needs including, but not limited to, the Town Master Plan, the Vehicle Replacement Plan and the like, (d) become familiar with state law with respect to how communities may finance Capital Improvements and establish reserves for the same, (e) review how various communities plan and finance their capital improvements, and (f) prepare and distribute an informative procedures manual to all describing the purpose of the committee and the expectations of it by the SelectBoard, what qualifies as a "Capital" expenditure, and how

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requests will be solicited received, reviewed and ranked, and then dealt with through the budgeting process.

b. Conferring with Town Department and Agencies

In preparing the Program, the Committee shall annually confer with the School Board and every municipal department, board, committee, or agency to solicit proposals for projects for the coming time period the subject of the Program. In soliciting such proposals, with at least thirty (30) days prior notice, the Committee shall solicit proposals for projects, upon forms designated by it, which describe the proposal, costs, operational benefits, cost increases or efficiency to be realized, relationship to the Master Plan or other objectives, proposed sources of grant or other supplementary financing and such other information as the Committee may deem useful to its deliberations.

The committee shall study each proposed capital project, and shall advise the proposing entity concerning the relation of the recommendations of the master plan in relation to the proposed project and the relation of the project to the Capital Improvement Program being prepared. In other matters, the Committee shall confer, in a manner it deems appropriate, with the requesting agencies and such other parties as it deems advisable allowing a reasonable time for response. All Town Departments shall cooperate in making a timely response to any such inquiries.

Proposals which may arise unexpectedly outside the annual solicitation process shall, nonetheless, be submitted to the Committee for its consideration together with an explanation as to why the proposal could not have been submitted during the normal and ordinary course of said process. The Committee shall expeditiously consider and submit to the SelectBoard its review of any such submissions.

c. Action by the SelectBoard

On or before February 15th following the receipt of the Committee's recommended Program, the Committee shall be advised as to what the SelectBoard submit for funding requests as part of the coming fiscal year budget. Further, the SelectBoard shall cause the Committee to be advised of, and the Committee shall prepare the Program in conformance with, any policy decisions or directives the SelectBoard has agreed relative to the annual growth in outlays of tax levy dollars, use of leases as a financing tool and the like.

d. Expenditures Authorized or Controlled

The SelectBoard shall not request an appropriation at a Town Meeting for a capital improvement purchase or project unless the proposed capital improvement or project has been submitted to the Committee for its consideration. This provision is not applicable to any capital improvements placed on the Town Meeting warrant by citizen petition or otherwise governed by statute.

Such Capital Improvement Program, after its approval by the SelectBoard, shall permit the expenditure on projects included therein from departmental budgets for preliminary or ancillary matters relating to the project or purchase, such as for surveys, architectural or engineering

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advice, options or appraisals; but no such expenditure shall be incurred which has not been so approved by the Town through the appropriation of sums in the current fiscal year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

e. Annual Report Publication and Filing

The Committee shall file an executive summary of its annual activities for inclusion in the Annual Town report.

6.) Predecessors and Successors

Upon the effective date of this Order, the Municipal Needs Committee and the Recreation Strategic Planning Team are hereby dissolved. All records, property, equipment, and facilities owned by the town and under the control of the offices, boards, or commissions which are abolished or superseded by this Order shall be transferred to and be under the control of the Committee.

7.) Severability

The provisions of this Order shall be severable. If any portion of this Order is determined by any court of competent jurisdiction to be unenforceable or illegal, then all other portions of this Ordinance not expressly found to be unenforceable or illegal shall remain fully in effect.

8.) Effective Date

This Order is effective upon adoption and supersedes all previous orders or polices relative to or in conflict with this matter and the procedures described herein.

Approved and adopted this ____ day of _____ 2015, by a vote of ____ in favor and ____ opposed.

Certified as To a True and Accurate Vote

Jonathan W. Tolman, Chairman
Town of Moultonborough SelectBoard Chair

Adopted January 21, 2010
Amended ??????????

Moved down [1]: The Committee shall file a copy of its Capital Improvement Program Report and the SelectBoard's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Advisory Budget Committee Report. The Committee shall deposit its final, approved Program original Report with the Town Clerk.

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TOWN OF MOULTONBOROUGH

An Order Creating a Master Plan Implementation Committee

1.) Purpose and Intent

A need has been identified to monitor the orderly disposition of the Action Items (hereafter the "Item" or "Items") set forth in the 2008 Master Plan as it may be amended from time to time (collectively hereafter the "Master Plan"), in a manner which keeps the community advised of the Town's progress in addressing those Items and realizing the goals set forth in said Master Plan. In order to address that need, there is hereby established a Master Plan Implementation Committee (hereafter the "Committee").

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2.) Authority

This Order is adopted, and may be amended from time to time, pursuant to the Master Plan, as adopted by the Planning Board on December 17, 2008, which recommended the appointment of such a committee and the authority of the Board of Selectmen (hereafter the "SelectBoard") to adopt policy and issue directives to make and order the prudential affairs of the Town.

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3.) Definitions

Words used in this Order shall be defined by the common usage under New Hampshire Statute unless otherwise defined herein. Wherever the masculine gender is used it shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary.

4.) Composition & Term

a. Members, Appointment and Removal

The Committee shall be composed of seven (7) permanent members as follows:

- One (1) from the SelectBoard,
One (1) from the Planning Board,
One (1) from the Heritage Commission,
One (1) from the Conservation Commission,
One (1) from the School District,
One (1) from the Business Community,
One (1) from the Community At Large.

The SelectBoard, Planning Board, Heritage Commission, Conservation Commission, and School District members shall each be appointed by their respective bodies. The remaining members shall be appointed by a majority vote of the SelectBoard. Members may be removed for cause, after notice and a hearing, by the appointing authority.

Master Plan Implementation Committee

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Deleted: July 29, 2010

In addition thereto, the Town Planner shall serve as an ex-officio non-voting member who shall otherwise enjoy full privileges to participate in the proceedings of the Committee provided that he may not be elected to any officer position nor be counted toward the quorum requirement. Neither the Business Community or Community At Large members may be employed by the Town in a full-time elected or appointed position.

b. Term of Office

The term of office shall not commence until the member is sworn to the faithful performance of their office by the Town Clerk. The term of Ex-Officio members from the SelectBoard, Planning Board, Heritage Commission, Conservation Commission, and School District end annually upon the date of the Town Election. The Business Community and Community At Large members shall serve a term of two years to end on March 31 of a given year. The initial appointments shall be made in such a fashion that none of the terms of those two members shall expire in the same year. Appointments to fill a vacancy shall be for the period remaining in the unexpired term.

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d. Officers

At its first meeting, and then annually following the Town Meeting, the Committee shall elect a Chairman, who shall prepare an agenda, preside at meetings, and act as spokesman for the Committee when so authorized, and a Clerk who shall give notice of all meetings, record all proceedings, act as the keeper of the records, and act as Chairman in the absence of the Chair. These two officers are eligible for re-election.

5.) Powers and Duties

a. Implementation Program

Upon appointment the Committee shall receive a briefing from the Town Planner on the Action Items and draft schedule of priorities contained in the Master Plan's Implementation chapter.

Moved down [1]: The Committee shall annually thereafter distribute said list for review and updating in and request initiation of the annual prioritized Action Items.¶

It shall meet no less than quarterly to monitor the progress of Implementation by the responsible person, board or commission. It shall issue advisory reports to the SelectBoard and general public, on the Town's web site and through such other means as it shall deem advisable, on no less than a quarterly basis. Such reports shall categorize the Items on the basis of whether or not they are:

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- Implemented;
- Pending;
- Scheduled;
- Rejected; or
- Not Yet Addressed

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and provide an accounting of goals achieved, those being worked on, and those not currently being worked on. For those Items which have been rejected or those goals that have not been

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Master Plan Implementation Committee

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achieved the report shall provide an explanation of why the items were rejected and an explanation of the impediments to implementation together with any recommendation by the Committee for consideration by SelectBoard as to action it might wish to take relative thereto.

b. Conferring with Town Department and Agencies

In monitoring the implementation of the Master Plan, the Committee shall confer with the various units of town government as it deems advisable. The units shall provide such reports and updates on such frequency and in such manner as reasonably required by the Committee to carry out its functions hereunder.

g. Annual Report Publication and Filing

The Committee shall file an executive summary of its annual activities for inclusion in the Annual Town report and advise the SelectBoard of the need for the Committee to continue in existence.

7.) Severability

The provisions of this Order shall be severable. If any portion of this Order is determined by any court of competent jurisdiction to be unenforceable or illegal, then all other portions of this Order not expressly found to be unenforceable or illegal shall remain fully in effect.

8.) Effective Date

This Order is effective upon adoption and supersedes all previous orders or policies relative to or in conflict with this matter and the procedures described herein.

Approved and adopted this ____ day of _____ 2015 by a vote of ____ in favor and ____ opposed.

Certified as To a True and Accurate Vote

Jonathan W. Tolman, Chairman
Town of Moultonborough SelectBoard

Adopted: July 29, 2010

Amended: ????????????

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**Office of Selectmen
Town of Moultonborough
6 Holland Street – PO Box 139
Moultonborough, NH 03254
(603) 476-2347**

Policy Statement #32

Fund Balance Policy

1.) Authority:

In accordance with RSA 31:39, and its role as the governing body, the Board of Selectmen (the "Board") has the authority to adopt ordinances and statements of policy to order its affairs and guide the administrative functions of the corporate body politic of the Town of Moultonborough and further, as governing body, the Board of Selectmen hereby establishes and will maintain reservations of Fund Balance, as defined herein, in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This Policy shall only apply to the Town's governmental funds. Fund balance shall be composed of nonspendable, restricted, committed, assigned and unassigned amounts.

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2.) Purpose:

The purpose of this policy is to establish a key element of the financial stability of the Town by setting guidelines for fund balance. Unassigned fund balance is an important measure of economic stability. It is essential that the Town maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances. The fund balance also provides cash flow liquidity for the Town's general operations.

3.) Administration:

This policy shall be administered by the Town Administrator, in consultation with the Finance & Personnel Director, on behalf of the Town of Moultonborough (the "Town").

4.) Definitions:

- a.) Assigned Fund Balance: Amounts the Town intends to use, as established by the highest level of decision making authority (the Town Meeting) or the body of official designated by that level, for a specific purpose. All appropriations shall lapse at the end of the fiscal year unless authorized with the provisions of RSA 32:7. Items that fall under this type of fund balance classification would be encumbrances with an intent to purchase but not a specific contractual agreement. For all governmental funds, other than the General Fund, any remaining positive amounts are to be classified as "assigned".

- b.) **Committed Fund Balance:** Amounts that can be used only for the specific purposes imposed by a formal action of the Town's highest level of decision making authority (the Town Meeting) which can only be changed by that level. Amounts such as expendable trust (capital reserve), non-lapsing appropriations, encumbrances with a contractual agreement and other special revenue funds, not listed under restricted, can change purpose via vote at Town Meeting.
- c.) **Excess:** An amount of money above the established Target Level.
- d.) **Nonspendable Fund Balance:** Amounts that are not in a spendable form in the current period (such as inventory or prepaid expenses or assets held for future sale such as tax deeded properties) or are required to be maintained intact (such as principal of an endowment fund).
- e.) **Restricted Fund Balance:** Amounts that can only be spent for the specific purposes stipulated by external resource providers (such as grantors, creditors, contributors) of the limitations imposed by enabling legislation (federal or state laws and regulations). Restrictions may be changed or lifted only with the consent of the resource providers or the enabling legislation.
- f.) **Target Level:** An amount of money, in dollars or as a percentage of a defined base, that is considered a prudent level at which to maintain a given fund.
- g.) **Unassigned Fund Balance:** Amounts that are not obligated or specifically designated for a specified use and are available for any purpose. The residual classification of any General Fund balance is to be reported here. Any deficit fund balance of another fund is also classified as unassigned.

5.) Policy:

The Town shall subscribe to the following practices and procedures in the prioritization of spending, setting and attaining the desired amount to be maintained in the unassigned fund balance, and spending any amounts in the unassigned fund balance in excess of the set target.

a.) Spending Prioritizations

- i. When expenditures are incurred for purposes for which both a restricted and unrestricted fund balance is available, the restricted fund balance is considered to have been spent first.
- ii. When expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications can be used, committed amounts shall be reduced first, followed by assigned amounts and then unassigned amounts.

b.) Target Level of Unassigned Fund Balance & Method of Calculation

- i. It is the Town's intent to maintain the Target level of 12.5% of its total gross annual appropriations in the unassigned fund balance in its General Fund. This shall be calculated by dividing the unassigned fund balance at year end of a given fiscal year (i.e. December 31, 2011) by the total of the annual gross appropriations – or levies upon the community – to include the Town, County, School District, and State Wide Education Property Tax (SWEPT) for the current fiscal year (i.e. FY 2012). Amounts above that may be considered excess.

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c.) Circumstances for "Spending Down" Excess Unassigned Fund Balance

- i. Emergency Situations: The Town may, when available in accordance with best management practices, use unassigned fund balance in emergency situations which may cause an over-expenditure of total appropriations in accordance with the provisions of RSA 32:11.
- ii. Tax Rate Reduction: The Board may apply a portion of the Town's beginning unassigned fund balance to reduce the property tax rate bearing in mind that any amount so used needs to be sustainable in order to avoid an unintended increase in the tax rate in future years.
- iii. Underfunded Trust funds, Reserves, or Capital Outlay: the Town Administrator shall submit, as part of his recommended budget for the following fiscal year, an amount of funding considered prudent to increase the Town's contribution to trust funds or capital reserves which are underfunded, or to increase capital outlay beyond that normally anticipated.

d.) Actions to Replenish Deficiencies

If the unassigned fund balance drops below the target level, the Town Administrator shall so notify the Board making recommendations as to advisable actions for its consideration, including but not limited to, a spending and/or hiring freeze until the unassigned fund balance has recovered to the target level. If this cannot be accomplished in a prudent manner over a period of three years, the Board shall consider recommended revenue increases in the next budget yet.

6.) Evasion of This Policy:

The intent of this policy is to ensure that there will be adequate liquid resources to serve as a financial cushion against the potential shock of unanticipated circumstances and events. It shall be a violation of this policy, and a disciplinary offense, to act in any manner other than prescribed herein.

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7.) **Periodic Review and Revisions:**

Annually, at the time of goal setting for the budget, the Town Administrator shall review this policy with staff to determine how effectively it is meeting its purpose. Suggested revisions shall be submitted to the Board of Selectmen for consideration and adoption with the annual budget message submitted by the Town Administrator.

Adoption:

Whereas this fulfills our intent for uniform procedures throughout the organization, we do hereby adopt the provisions of this policy on this 1st day of November, 2012.

Effective Date

This Order is effective upon adoption and supersedes all previous orders or policies relative to or in conflict with this matter and the procedures described herein.

Approved and adopted this day of 2015 by a vote in favor and opposed.

Jonathan W. Tolman, Chairman
Town of Moultonborough SelectBoard

Adopted: November 1, 2012
Amended: ????????????

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Joel R. Mudgett Edward J. Charest¶
Chairman Vice Chairman¶
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Betsey L. Patten Jonathan W. Tolman¶
Selectwoman Selectman¶
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Russell C. Wakefield¶

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DATE	BEG. BAL.	PAYROLL(-)	PAYABLES(-)	WKLY REVENUE	ACTIVITY	Tax Inflows (1)	WKLY BALANCE At Present FB	WKLY BALANCE At 11.5% FB
11/06/14							\$ 5,171,578.23	\$ 3,091,000.00
11/13/14							\$ 5,171,578.23	\$ 3,091,000.00
11/20/14			\$ (323,050.00)		Estimated Payables Last 3 Weeks		\$ 4,848,528.23	\$ 2,767,950.00
11/20/14				\$ 82,000.00	Estimated Revenue Last 4 Weeks		\$ 4,930,528.23	\$ 2,849,950.00
11/21/14			\$ (467,190.00)		School Payment		\$ 4,463,338.23	\$ 2,382,760.00
11/27/14		\$ (189,500.00)			Estimated Payroll from Last Year		\$ 4,273,838.23	\$ 2,193,260.00
12/04/14			\$ (323,050.00)		Estimated Payables Last 3 Weeks		\$ 3,950,788.23	\$ 1,870,210.00
12/05/14			\$ (467,190.00)		School Payment		\$ 3,483,598.23	\$ 1,403,020.00
12/12/14			\$ (3,281,974.00)		School Payment Carroll County Tax		\$ 2,201,624.23	\$ 121,046.00
12/18/14				\$ 82,000.00	Estimated Revenue Last 4 Weeks	\$ 2,000,000.00	\$ 3,583,624.23	\$ 1,503,046.00
12/18/14			\$ (323,050.00)		Estimated Payables Last 3 Weeks	\$ 1,300,000.00	\$ 6,160,574.23	\$ 4,079,996.00
12/19/14			\$ (467,190.00)		School Payment	\$ 2,900,000.00	\$ 7,493,384.23	\$ 5,412,806.00
12/25/14		\$ (235,000.00)			Estimated Payroll from Last Year	\$ 1,800,000.00	\$ 8,858,384.23	\$ 6,777,806.00
01/01/14						\$ 1,600,000.00	\$ 8,858,384.23	\$ 6,777,806.00
01/02/14			\$ (323,050.00)		Estimated Payables Last 3 Weeks		\$ 8,535,334.23	\$ 6,454,756.00

Note: (1) Assumes Tax Rate Set 11/21/14

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