

# TOWN OF MOULTONBOROUGH

## An Order Creating a Capital Improvements Program Committee (CIPC)

### 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” or “CIPC”).

#### 2) Authority

This Order is adopted pursuant to Warrant Article 10 of the March 14, 2009 Town Meeting authorizing the Board of Selectmen (hereafter the “Select Board”) to appoint such a committee and the authority of the Select Board 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 that are set forth herein.

#### 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) members and five (5) alternate members as follows:

- One (1) member from the Select Board
- One (1) alternate member from the Select Board
- One (1) member from the Advisory Budget Committee
- One (1) alternate member from the Advisory Budget Committee
- One (1) member from the Planning Board
- One (1) alternate member from the Planning Board
- Two (2) members from the at-large residents of the Town
- 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 Select Board. The Select Board, Advisory Budget Committee and Planning Board members shall each be appointed by their respective bodies.

Those three (3) bodies shall also each appoint an alternate from their body. Alternate members shall only sit in the stead of a member from the same body (e.g., only the alternate Select Board member can sit in place of the Select Board member, and an alternate at-large member can only sit in the place of an at-large member). Alternate members shall be seated to participate in any matter where a member has recused themselves over a matter in which they have a conflict, or to provide a full complement of five voting members to conduct business. The minutes shall reflect any alternate member seated to act instead of a member and the reason, therefore. A seated alternate member shall have all the rights and privileges of a member. Three members shall constitute a quorum.

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 Administrator, 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 members from the Select Board, Planning Board, and Advisory Budget Committee shall end annually upon the date of the Town Election. At-large members and at-large alternates shall serve a term of three years to end upon completion of Town Meeting in a given year. The initial at-large appointments shall be made in such a fashion that none of the terms of the 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.

**c. Officers**

The Committee shall elect a Chair and a Clerk from amongst its members, at its first meeting following Town Meeting. The Clerk shall record all proceedings and act as Chair in the absence of the Chair. In the absence of either officer the longest serving member of the Committee shall serve as Chair. Officers shall be eligible for re-election from year to year. Ex-Officio non-voting members are not eligible to serve as officers of the Committee.

## 5) **Powers and Duties**

### **a. Annual Program**

The Committee shall, annually prepare, and submit to the Select Board, 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 Select Board 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, benefits (both economic as well as operational), and probable revenues, if any, as well as existing sources of funds (Capital Reserves, donations, Federal, State, or other public funds, grants, etc.) or the need for additional sources of funds (i.e., fund balance, taxation, bonding, etc.) 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 projects according to their urgency and need for realization, shall recommend a time sequence for their implementation, and shall 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 who shall study and report on the same to the Select Board forthwith.

The Program shall be submitted to the Select Board four (4) months prior to Town Meeting 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 ten (10) days prior to submitting said Program and to give warning of the public hearing with no less than ten (10) days’ notice. A copy of the proposed Program shall be available to the public at the time of the notice being published.

All members of 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 ten (10) Fiscal Years, (c) review available documents detailing future capital needs including, but not limited to, the current year Capital Improvement Program Report, 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, and review how various communities plan and finance their capital im-

provements. The Committee shall maintain and make available to all an informative procedures manual describing the purpose of the committee and the expectations of it by the Select Board, what qualifies as a “Capital” expenditure, and how 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, Library Trustees, and every municipal department, board, committee, or agency to solicit proposals for projects for at least the next six (6) fiscal years that meet the criteria in 5 (a). 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. For projects for the ensuing fiscal year, it is the expectation that proposed dollars will be supported, to the extent possible, with at least one independent cost estimate.

The committee shall study each proposed capital project and shall advise the proposing entity concerning the relation of the proposed project to the Town’s Master Plan and the relation of the project to the Capital Improvements 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 its recommendation(s) to the Select Board for its review and consideration of any such submissions.

**c. Action by the Select Board**

At least one month prior to Town Meeting, the Committee shall be advised by the Board of Selectmen as to what they are submitting for capital funding requests as part of the upcoming fiscal year budget.

**d. Expenditures Authorized or Controlled**

The Select Board 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. Capital requests not recommended by the CIPC may, at the sole discretion of the Select Board, appear on the warrant as a stand-alone warrant article.

Such Capital Improvement Program, after its approval by the Select Board, 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 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 a copy of its Report and the Select Board'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 file its original Report with the Town Clerk. The Committee shall also 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**

Approved and adopted on the 21st day of January 2010.

**Karel A. Crawford, Chairman**  
Town Moultonborough Select Board Chair

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This Amended Order is effective on August 3, 2023 and supersedes all previous orders or policies relative to or in conflict with this matter and the procedures described herein.

**Jonathan W. Tolman, Chairman**  
Moultonborough Select Board