

**Board of Selectmen
7 January 2008
Minutes**

6:00 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Rachel Hatch, Town Administrator Tim Warren and Clerk Lois Dionne.

6:02 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a)- Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a police department personnel issue with Chief O'Brien.

6:15 p.m. - Out of Non-Public Session

Selectman Hatch moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

6:16 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Hatch seconded. Motion passed 3-0.

The Selectmen discussed a police department matter with Chief O'Brien.

6:30 p.m. - Out of Non-Public Session

Selectman Guarino moved to come Out of Non-Public Session. Selectman Hatch seconded. Motion passed 3-0.

6:31 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(e)

Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(e) - Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or Employees. Selectman Hatch seconded. Motion passed 3-0.

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The Selectmen discussed a legal issue with Chief O'Brien.

6:40 p.m. – Out of Non-Public Session

Selectman Guarino moved to come Out of Non-Public Session. Selectman Hatch seconded. Motion passed 3-0.

6:41 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Hatch seconded. Motion passed 3-0.

The Selectmen discussed a police department issue.

6:45 p.m. – Out of Non-Public Session

Selectman Guarino moved to come Out of Non-Public Session. Selectman Hatch seconded. Motion passed 3-0.

Police Dept. – Budget Review - The Selectmen reviewed the police department budget with Chief O'Brien. Increases were requested in salary and benefits, and money for part-time officers and overtime pay. There was also an increase in gasoline expense, and request for money in a capital equipment computer account to get a new server for the computer. Many items remained the same as last year, and there was a decrease in the amount requested for maintenance and service contracts.

7:00 p.m. - Public Input

Tasers – Israel Willard noted that the Selectmen had authorized the purchase of tasers for the police department. Mr. Willard asked if the Selectmen had any idea of the number of deaths related to the use of tasers. Chief O'Brien stated that there are supposedly no deaths directly related to the use of tasers. Israel had the report of a death where a man was dead five minutes after having been tased. Chairman Forst asked if that had been with the proper use of the equipment. Mr. Willard felt that didn't matter; the man was still dead. He was also concerned about the liability to the Town. Chief O'Brien stated that if something should happen, the company would send someone to represent the town. Phil stated that any tool the police department has could be misused, and misuse is one of the problems with the taser. Mr. Willard said he was curious as to what research the Board had done, or if they had just gone on the presentation by the officer from the sheriff's department. The Selectmen agreed that they had gone on the recommendation of the sheriff's department. It was explained to Mr. Willard that a lot of thought and consideration had gone into the matter before agreeing to authorize the tasers, and a strict policy regarding the use of the tasers is to be put in to place before they

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will be used. It was also left to the Selectmen's discretion to disallow the use of the tasers if they felt they are not being used properly.

Tim Warren's Job Title – Mr. Willard asked if we now have a Town Manager or an Administrator. Chairman Forst explained that the position is the same, but the title was changed. Tim Warren's title used to be Administrative Assistant, but was changed to Town Administrator. It was explained that this was done because while doing Tim's review, it was discovered that there have been more responsibilities added to his position than previously, and they had looked at the job description, and at the Local Government Center's blanket job description, and that the Selectmen had also added a few responsibilities when they changed the title. Mr. Willard asked if there is a job description on file, and was assured that there is.

Non-Public Sessions – Mr. Willard felt that the Selectmen abuse the non-public sessions. He felt an example was when they had gone into non-public session to change the title of Tim Warren's position. The Selectmen felt it was a personnel issue, and they had been discussing Tim's review, but noted that they had come out of non-public and further discussed the issue and to make the motion to change the title.

Another example Mr. Willard cited was the non-public session to discuss a subdivision on Sawtooth Road. Chairman Forst said the subdivision was on Route 140, and they had gone into non-public because the Planning Board had not yet made a decision on the subdivision, and they hadn't wanted public discussion by them to influence the decision of the Planning Board. He said it affects the legal decision and the reputation of the person applying for the subdivision.

Christmas Tree – Israel informed the Selectmen that he would probably be taking the Christmas tree and wreaths down by this weekend. *The lights for the tree will be stored upstairs in the Academy Building.*

FYI's & Other Business

Ambulance Damage - Tim Warren informed the Selectmen that on December 31st there had been a "mishap" with one of the ambulances. Chief Robbins was returning from a mutual aid call in Alton, traveling on Alton Mountain Road in Alton, the vehicle slid, and struck the guardrail. The Alton police were called, and with the help of bystanders, they were able to get the vehicle out after the arrival of the police department. There was damage done to the right side of the vehicle. A report was made and will be forwarded to the insurance company. The ambulance can still be used.

New Accounting Program – Tim reported that the new accounting program is up and running; the first payroll was done on it last week. He said there are still a couple of things to work on regarding direct deposit. Tim said he is pleased with the program, and feels it will save him a lot of time.

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Compactor – Recycling Center – Tim informed the Selectmen that the compactor at the recycling center had been welded, had cracked again, and has been rewelded, but they have been in contact with Atlantic Leasing, and have ordered a new piston, which will cost around \$2,500.

Approval of Minutes – The Selectmen reviewed the minutes of the last two meetings.

MOTION – Selectman Hatch moved to accept the minutes of December 17, 2007 as drafted. Selectman Guarino seconded. Motion passed 3-0.

MOTION – Selectman Hatch moved to accept the minutes of December 24, 2007 as drafted. Chairman Forst seconded. Motion passed 2-0. Selectman Guarino did not vote, as he was not present at the meeting.

Employee Evaluations – The Selectmen reviewed a couple of employee evaluations.

MOTION – Selectman Hatch moved to give Cindy Bedford a merit step increase for 2007. Selectman Guarino Seconded. Motion passed 3-0.

MOTION – Selectman Hatch moved to grant Lois Dionne a 2.8% merit increase for the year 2007 with the understanding that funds are still available in the budget. Selectman Guarino seconded.

Chairman Forst wanted to add to both motions that these steps were based on satisfactory evaluations. Selectman Guarino seconded. Motion passed 3-0.

7: 35 – Break

7:45 – Back in Session

Fire Department Budget – The Selectmen began the review of the fire department budget. Tim Warren read a letter from Chief Robbins regarding a warrant article that Chief Robbins is submitting to replace the stretchers and stair chairs for both ambulances. Chief Robbins also requested the Selectmen's support for a new non-capital reserve account for plant maintenance.

Chief Robbins arrived at the meeting during the discussion of his budget. Items of discussion were increases for fire call pay, diesel fuel, ambulance supplies and capital equipment outlay. There was also considerable discussion on the stretchers for the ambulances and the stair chairs. Chief Robbins had a brochure that was shown to the Selectmen.

Final Payment – Places Mill Road – Robert Potter, Sr., Robert Potter, Jr. and Melissa Potter were before the Selectmen to discuss final payment for the upgrade of Places Mill

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Road. The Selectmen had been retaining \$1,700 until a utility pole has been moved, and the ground graded around where the pole is taken out.

Bobby Potter stated that they had completed the job on October 15th, and had met the deadline. He said they were supposed to have been paid bi-monthly during the upgrade. He said they didn't get their first payment until the job was almost done, and that was a partial payment. The Potters were concerned with the payments, and that retainage had been withheld. Bobby said there had been issues with the grading, but they had done it the way the Road Agent wanted it done. Bobby said they had done everything requested of them, exactly as it was on the bid, and had done additional things such as the cementing of the headwalls on the culverts. There were also issues with cement headwalls on culverts, waiting until the DES approved the headwalls before they could get paid. Bobby stated that the job has been completed for 80 days, and they are still waiting for payment. He said they had gotten a performance bond, and yet the Town is holding retainage, and you can't do both unless it is in the specs, which it wasn't. He also addressed the issue of the utility pole, and pointed out in the specs that that particular pole was to have stayed where it was; it wasn't until after they got into the project that it was decided the pole should be moved.

Chairman Forst addressed the Potter's issues, and noted that he, Brian, was the only one of the Selectmen who had been involved in the contract negotiation, and he had been under the impression that the pole in question was one that was supposed to have been moved. It was also noted that until last week, the Boy Scouts had not paid the Town. There had been money in an escrow account, which after it was expended, the rest of the amount for the upgrade was to have been deposited. The money in the escrow account was expended with the first payment, and we didn't receive any more money until last week.

There was much discussion of the issue, and after reviewing the spec, and seeing that the pole in question was to have remained in place, it was agreed to pay the Potters the final payment for the road. A check will be issued to the Potters on Thursday, January 10, 2008.

Lougee Road Classification – Anne Bartlett had previously requested Lougee Road, which runs by their house to be reclassified. The Bartletts own land on both sides of the road, and they have been the ones maintaining the road for years. The Selectmen were concerned because the road leads to a cemetery. Tim was to have contacted LGC for advice before the Selectmen discuss the matter further. Chairman Forst asked Tim if he had gotten any information, as they would have to have a warrant article for town meeting to change the classification of the road. Tim did not have information, but said he would contact LGC.

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Berry Ave. - Chairman Forst asked if we had heard anything about the lots on Berry Ave in Sawyer Lake that there is a dispute about the lot lines. Tim replied that he had sent the information to Attorney O'Shea, but hasn't heard anything from him yet.

Compliance for Scouts – The Boy Scouts had previously asked the Town to sign a document that they are in compliance with the Places Mill Road issues and issues in Hidden Valley. The Selectmen hadn't wanted to sign the form until the road was completed, and payment received. Chairman Forst asked where we stand with that. Tim felt we should reread the terms of the 2004 ZBA decision before stating that the Scouts are in complete compliance with all the Town issues.

9:37 p.m. – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk