Selectmen’s meeting minutes of September 22, 2005

Present from the Board:
Chairman Richard Manseau, Selectmen, Brown, Wadleigh, Dawson and O’Leary.

Also present:
Town Administrator Alice MacKinnon, and secretary Catherine A. Woessner.

Chairman Manseau called the meeting to order at 6:01PM.

APPROVAL: MINUTES OF SEPTEMBER 8TH, 2005
Selectman Brown made a motion to accept the minutes of September 8th, 2005 as written, seconded by Chairman Manseau. All were in favor except for Selectman O’Leary who was not present for that meeting.

MINUTES OF SEPTEMBER 16TH, 2005
Selectman O’Leary made a motion to accept the minutes of September 16th, 2005, seconded by Chairman Manseau. All were in favor.

AP & PAYROLL MANIFESTS:
The Selectmen approved and signed the manifests.

Chairman Manseau informed the public that they would be going into a non-public session with Mr. Miller. Selectman Brown made a motion to go into non-public session for the consideration of a real estate purchase, seconded by Chairman Manseau. Selectman Brown, yes, Selectman Wadleigh, Selectman Dawson, Chairman Manseau, yes, and Selectman O’Leary, no.

At 6:25PM the Board returned to their regular session.
Chairman Manseau made a motion to seal the minutes of the non-public session until the matter has been completely resolved, seconded by Selectman Dawson. All were in favor.

Chairman Manseau announced they would be going back into non-public session with Chief Chapman regarding a personnel matters. Selectman O’Leary made a motion to go back into non-public for personnel matters, seconded by Selectman Dawson. Selectman Brown, yes, Selectman Wadleigh, yes, Selectman Dawson, yes, Chairman Manseau, yes, and Selectman O’Leary.
At 6:43PM the Board returned to their regular session.
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- APPOINTMENTS WITH SELECTMEN:
  Mrs. Marcia St. Louis, Morrison Ave.  Selectman Brown gave the Board a brief description of what he and Public Works Director Dennis Allen found when they inspected Mrs. St. Louis's porch last summer. Selectman Brown said the highway department raised the road a small amount to sheet the water away from the porch and it is working. The Board reviewed new photos of Mrs. St. Louis's porch indicating the problem she is still having with drainage. Mrs. St. Louis also presented the Board with copies of a letter indicating the problems and has contacted five contractors to give her an estimate for repairs. Mrs. St. Louis said her house is over 100 years old and was built very close to the road. After the Board reviewed the letter discussion ensued. Mrs. St. Louis said the things needed to correct the situation are: to have a drainage system installed, the door must be raised to the level of the street to prevent water from entering the porch in the future. Estimates have ranged from $4,900 for the drainage system and repair of the porch (plus repainting costs) to 4,500 for the drainage alone. Mrs. St. Louis is asking the town for help. After further discussion the Board informed Mrs. St.Louis that they will take this matter under advisement and consult with Public works Director Dennis Allen, and will let her know what they determine.

Ken Randall, Town Moderator  Mr. Randall joined the meeting and informed the Board that the duty of the Town Moderator is not only to run town meeting, but also to advise the Selectmen in relation to those things which they have done, done correctly, and possibly those things which they have attempted to do incorrectly. Mr. Randall stated that he read in the Citizen, on September 15th, by staff writer Gordon King that states there is a committee studying feasibility of construction of a new police station and is considering a site on Rte. 132. The committee is chaired by former Selectman Vici Virgin was formed a year ago and they hope to bring a presentation to the voters at next years town meeting. Mr. Randall said he does not find anywhere in the warrants there was an article calling for the formation of a committee to do this particular type of study. Mr. Randall said according to Roberts Rules, a committee has to have authorization from an assembly and has to be given a charge of what it is the assembly wants them to do. Mr. Randall asked the Selectmen when and how this committee was formed. Selectman Dawson stated that the Board of Selectmen is authorized to form a study committee to go out and study whatever the Selectmen wish them to and report back to the Selectmen. This would be according to the RSA, To Manage the Prudent Affairs of the Town. Selectman Dawson stated that depending on what the committee has discovered, what they have studied, they would come back and report to the Selectmen, and they have not done that yet. Selectman Dawson said the committee is not authorized to make any purchases, make any decisions, it is just a study
committee. It would be up to the Selectmen to determine whether or not they need to formulate something to present to town meeting. Right now it is an informational committee. The Selectmen would formulate a warrant article based on the information presented by the committee. Selectman Brown informed Mr. Randall that the appointment of the committee, the acceptance of the request from Chief Chapman was done at a public meeting, Board of Selectmen’s meeting on July 22, 2004. Mr. Randall asked the Selectmen if minutes of the study committee were kept. Selectman Dawson stated that the Selectmen have not spoken to the committee yet and has not seen minutes from the meetings. Mr. Randall stated that he understands there was a recommendation that a purchase and sales agreement be signed between the town and the owner of a piece of land which had been selected by the committee as a location for the police station. Selectman Dawson stated that the Selectmen have been looking at this property long before the committee was aware of it, but the committee also looked at the property. Selectman Dawson said the purchase and sales agreement is something the Board of Selectmen are doing, not the committee. Mr. Randall asked who authorized the purchase and sales agreement. Selectman Dawson said this comes under the Selectmen’s powers and duties, RSA’s. Mr. Randall asked if there was any amount of funds attached to the proposed P&S agreement. Selectman Dawson said there is a price for the land. It is still under negotiations. Selectman Dawson said there will be an agreement for purchase price. Mr. Randall said he thought Vici stated she hopes the town can find a way to put a deposit on the land. Selectman Brown said the town cannot do that. Mr. Randall said the town cannot do this without the town having that sum of money in the budget and having been voted in at town meeting. Mr. Randall asked the Selectman what their position is at the present time in relation to a site for the police station. Selectman Dawson stated that the Board of Selectmen have not chosen a site. Selectman Dawson said she does not recall any recommendations from the committee directly to the Selectmen. Mr. Randall asked the Selectmen what will be presented at town meeting in March, 2006. Selectman Dawson said the Board has not determined that yet. Selectman Dawson said she would think the first step would be to have public discussions on whether or not a building is even necessary. The public has not had any input as to whether or not a life safety building, a new police station combination is needed. Mr. Randall stated that this does not appear to go along with the article in the Citizen that he has read. The article does not state who Gordon King discussed this with. Mr. Randall stated that this article is the reason he is at the Selectmen’s meeting this evening to try to clarify exactly what the Selectmen have or have not been doing and just to make sure all of the steps which are necessary are in the process of being followed. Selectman Dawson said she thinks they are all in agreement that what the article in the Citizen states is premature. The public has
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had no input, and the Board of Selectmen has had no input from the committee. Mr. Randall asked the Board if it would be appropriate for the Selectmen to do a rebuttal of this particular article, and to also in a rebuttal put in the steps which they hope will be followed in so far as the goings of a new police station are concerned. Selectman Dawson feels this is a good suggestion and thinks the committee should also have input into that article since they are the ones who are miss-represented in the article. Mr. Randall asked the Board if he can be rest assured that there will be an article from the Selectmen and to contact the committee and have them go along with a similar article. Chairman Manseau feels it would be best if they do a formatted press release as to the status of anything that has been going on in response to the article in the Citizen. Chairman Manseau said the article was premature, all of the facts were not collected, and it was published with little or no input from this Board and will certainly rectify that. Mr. Randall stated that one of his concerns is that there do no appear to be any minutes existing from this so called committee in relation to its meetings. Mr. Randall said technically, this is in strict violation of the Right to Know Law. Chairman Manseau said this has been discussed and the committee has been advised of this. Chairman Manseau said there are no verbatim minutes and the meetings were not held on strict Robert's Rules guideline, but minutes can be produced from the meetings in the past. Mr. Randall said this takes care of his concerns in relation to the article in the Citizen.

Comments from the public:

Michele Jackson asked the Board why they are dealing with a P&S agreement for a property for the police department if they have a study committee who has not reported their findings to the Selectmen. Michele asked why they moving forward with this when they haven't even seen the results of the study committee. Chairman Manseau stated there are a lot of assumptions going around regarding this, one of which is a P&S agreement, which they do not have. Michele asked why there was a closed session regarding this to determine whether or not they should enter into a P&S. Chairman Manseau explained that it would be short sighted of the Board not to be aware of what is available in the community for potential use in the future. Selectman Dawson explained the reason the Board went into a non-public session was to discuss a P&S agreement on a particular piece of property. Whether or not a Life Safety or Police Building will be built on it remains to be seen. This property is in a location that is still close to the center of town, but east of 1-93. If it is determined that the town needs fire, combination fire & Police, or just police our response time to east Tilton will improve. Town Meeting may decide they do not want to build a new police station or do not want fire & safety, it is still a piece of property that for future growth for anything the town of Tilton needs, Municipal Buildings, it is one of the last pieces available. Selectman
Dawson said the P&S Agreement is contingent on Town Meetings approval. Michele said she contacted the Local Government center and spoke to an attorney who informed her that the only way the town can enter into an agreement for any piece of land is to follow that RSA where this is presented to the collective Boards in town. Michele’s concern is that none of this has been made public so the public knows what is going on. Michele stated that she knows there have been architectural services and engineering consulting services provided to the study committee and they are on a consulting basis. Michele asked if there is an agreement for them to receive payment after town meeting. Chairman Manseau said they have not entered into an agreement, but they have provided the committee with some general ideas so that it is mainly an educational tool for the study committee as part of the informational gathering. Selectman Dawson clarified the RSA that Michele sighted previously which is RSA 41:4C refers to something the town has not adopted. It refers to the Selectmen adopting RSA 41:14C which gives the Selectmen the power to purchase the property. Selectman Dawson said what they are negotiating is the P&S Agreement which does not bind the town whatsoever to this property. The property owner agrees not to sell it, to enter into the P&S and let town meeting decide whether or not to purchase the property. Chairman Manseau informed Michelle that the study committee will be meeting with the Selectmen at their October 6th meeting to explain what they have done so far and this is in public session.

Doug Smart from the audience also had questions regarding the non public sessions regarding real estate. He questioned the meeting of 9/16/05 that was posted as non-public, but was changed to public. Chairman Manseau explained that the meeting was published as non public but in light of the current situation and that this information was already made public and there were no negotiations, the Selectmen opened the meeting to the public, as is their option. The minutes are public.

Mr. & Mrs. D'Alessio: Chairman Manseau announced that the D'Alessio's are scheduled for a non-public session, and explained the Board wanted to give them the option of a public or non-public meeting in case there is a personal issue that they do not want raised in public. Chairman Manseau informed the D'Alessios's that the Board will let them make their presentation, but there will not be a two way conservation as this will be an on going issue. Any issue with the police department would normally be brought to the Chief of Police, but the Selectmen were notified personally that there was an issue. Mrs. D'Alessio said they do not have a problem going public, but there will be some officers that will be named. Chairman Manseau informed the D'Alessios's that they need to follow the procedure as far as filing a
complaint with the police department. Chairman Manseau said this is the procedure and he will follow up with this with the police department as will the rest of the Board. Mrs. D'Alessio will have to contact the police department and file a complaint with the Chief of Police. Mrs. D'Alessio presented the Board with copies of the complaints she will be presenting this evening. Mrs. D'Alessio informed the Board that in addition to she and husband, she brought her son Travis D'Alessio, and Boris, a witness, also her father Bob Andrews.

The Board read the complaints presented by Mrs. D'Alessio. Mrs. D'Alessio explained to the Board that her son Travis did lose a tape and does have responsibility for the warrant and has nothing to do with the fact that he lost the tape, he was guilty. Mrs. D'Alessio said their complaints are the way the police officers were speaking downtown, the foul language, the roughness, and the way they were treating her son. She said they used unnecessary roughness. Travis D'Alessio just came out of Video Vendor where he paid what was owed and the clerk called the police dispatcher to report this. Two police officers appeared at Video Vendor as there was still a warrant on Travis. Mr. & Mrs. D'Alessio who were at home received a call from Boris who witnessed the treatment from the police department and informed them they should get down there. When they arrived at Video Vendor, Mrs. D'Alessio reported the police used foul language when speaking to Mr. D'Alessio and asked him if he had been drinking. Mrs. D'Alessio said she called the police department to report how they were being treated and dispatch told them they would have to wait until the next day to speak to the Chief of Police. Mrs. D'Alessio reported that upon arriving at the police station to pick up her son Travis she asked the two arresting officers for their cards (identification). Mrs. D'Alessio said Officer Ashburn at first refused to give her his ID Card and also refused to give her the training Officer's ID Card. Mrs. D'Alessio said at this time she asked to have another officer present as she was uncomfortable with the situation. She was told he was the only one there and could not call anyone else. Mrs. D'Alessio said the other incident was her son Travis noticed there were two bottles of Michelob Light beer, that appeared to be cold on the counter where the officers were and asked the officers if it was evidence or if they were drinking them. Mrs. D'Alessio said this is unacceptable behavior for police officers, Officer Ashburn, and the training officer. Mrs. D'Alessio said another issue is that Officer Patten is always parked in his cruiser at 4 West Street and this makes her feel uncomfortable.

Mr. Andrews, Mrs. D'Alessio's father informed the Board that on Tuesday he advised his grandson Travis to return the game back to Video Vendor. Mr. Andrews said he has always advised his children and grandchildren to cooperate with the police, they are here to serve and protect the citizens. Mr. Andrews said the foul language used by the police officers is totally unacceptable. Another concern is
that Boris was personally searched and is not sure the police had due process to do so. Mr. Andrews also complained about the verbal assault on his son-in-law regarding the accusation he had been drinking, when he was in fact sober. Mr. Andrews said lastly, there was no excuse for the treatment of his daughter at the police station. Mr. Andrews said he will wait to hear from the Board regarding the action they take on these complaints. Chairman Manseau informed Mr. Andrews that the next Board meeting is on October 6th, and asked to be notified when they go to the police department and what transpired. Chairman Manseau said if they do not receive a satisfactory response from the Police Department, then it becomes an issue that the Board will explore and have an outside agency conduct an investigation.

Selectman Dawson commented that because of the specific complaints the D’Alessio's presented this evening, agrees they should be taken up with the Chief of Police. However, throughout this there is an issue of the conduct of the police officers that represent the town of Tilton and as a member of the Board, feels the Board needs to request of the Chief an investigation of the conduct of those officers. Selectman Dawson said she would like to hear from Chief Chapman directly. Selectman Dawson said as a Board she does not feel they can ignore that specific issue, as they are representing the town of Tilton. Selectman Dawson said she is not just looking at the D’Alessio’s complaint, but perhaps there is a problem with the conduct of the police department, not knowing what their policies are.

At 8:10PM Chairman Manseau made a motion to go into non-public session regarding a staff meeting. Selectman Brown, yes, Selectman Wadleigh, yes, Selectman Dawson, yes, Selectman O’Leary, yes, and Chairman Manseau, yes.

At 9:10PM the Board resumed their regular meeting. Chairman Manseau made a motion to seal the minutes of the non-public session until all of the matters have been resolved, seconded by Selectman O’Leary. All were in favor.

New Business:
Lakes Region Planning Commission Appointments: The terms for Katherine Dawson and Robert Brown will expire on October 1, 2005. After the Board discussed Chairman Manseau made a motion to re-appoint Katherine Dawson to the Lakes Region Planning Commission, seconded by Selectman Brown. All were in favor. Chairman Manseau made a motion to appoint Bob Sharon to the Lakes Region Planning Commission who will be replacing Robert Brown, seconded by Selectman O’Leary. All were in favor.
Pay scale, Admin.&Highway: Alice informed the Board that she has put everyone into the step&grade system. Alice recommended to the Selectmen that they change the grade on the Captain and Chief of Police. Alice is recommending the Captain to grade 28, step 3 and the Chief to grade 32, step 1. Alice said the Captain is presently at grade 26, step 5 and the Chief is at grade 28, step 5. Alice said these two positions have lagged behind in terms of salary. The Board discussed the Chief’s salary compared to other town’s and it is relatively low, as well as is the Captain’s salary. The Board was in agreement. Chairman Manseau made a motion to accept the grade and step program as amended, seconded by Selectman O’Leary. All were in favor.

Agreement, Lakes Region Planning Commission&Town of Tilton for Tilton Capital Improvement Program. Selectman O’Leary made a motion authorizing Chairman Manseau to sign the agreement, seconded by Selectman Brown. All were in favor.

Correspondence:
Letter from George Cox, Building Manager, 251 Main Street. The complaint is regarding Wilbur Ball for his misuse of Tilton town property. Mr. Cox said Mr. Ball is using the town’s municipal lot off Mechanic Street as a through-way to drive to his property. The Board discussed the piece of property at the end of Mechanic Street that the Board gave Mr. Ball permission to use and then rescinded the use as it is now used for snow storage and a parking lot. The Board discussed closing the road off as it is not a through-way. Chairman Manseau asked Selectman Brown if he would ask Public Works Director to check the area to see what has to be done to prevent it as a through-way. Selectman Brown said he will discuss this with Dennis.

Reports from Selectmen:
Selectman Brown reported that Dennis has picked up the new truck. Dennis has repaired Hill Street right of way using 2 ½ to 3 tons of fill.

Selectman Wadleigh asked when PSNH is going to repair the streets lights that have been out. The town received a letter from PSNH informing the town that they are behind schedule in replacing the lights and will not be able to do it until early November. Selectman Wadleigh also requested having the Selectmen’s agenda on the Web site earlier. The secretary posts the agenda on Tuesday morning. Police Log has still not been updated.
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Selectman Dawson asked the Board if they were ready to address the use of Purchase Orders, or wait for another meeting. The Board agreed to table it for now.

Selectman Dawson informed the Board that Lakes Region Public Access has received requests for copies of the Selectmen’s meeting tapes. Selectman Dawson said Public Access has a policy that unless they have a request from the Selectmen they do not copy the tapes. After the Board discussed this Chairman Manseau made a motion officially to authorize Public Access to duplicate any of the Selectmen’s tapes that the public requests at their own expense, seconded by Selectman O’Leary. Chairman Manseau amended his motion that when Public Access does duplicate the tapes they inform the Selectmen which ones are duplicated so they are left out in case they have been tampered with, Selectman O’Leary amended his second to the motion. All were in favor.

Selectman Dawson informed the Board that the Conservation Commission members asked her to speak to the Board regarding the current use taxes. Alice said she is working on them and will try to have them for the next meeting.

Selectman Dawson discussed the letter from DOT regarding the Turner Group Project, Silver Lake Road Sidewalk Agreement. Selectman Dawson asked if the town received the Maintenance Agreement as was stated in the letter. Alice said the town has not received the agreement. Alice said she will notify Mr. Barry, DOT that the Selectmen did not receive the Maintenance Agreement in triplicate.

Selectman Dawson informed the Board that she is concerned about the complaint made earlier this evening and is concerned about the conduct of our officers. Selectman Dawson asked the rest of the Board how they feel about requesting the Chief to investigate that portion of the complaint and not specifically just those officers, but the entire department. Chairman Manseau and the rest of the Board agree they need to give Chief Chapman the opportunity to respond to the complaint directly, and then it will go to the Selectmen. Selectman Dawson said as a Selectman she is concerned about the overall conduct of the police department. Chairman Manseau said once the Selectmen receive the response from the Chief they can ask any questions after that. Selectman Dawson said she will table her request until then.

Selectman O’Leary discussed the Parks & Recreation Rules & Regulations and questioned the fines that are listed. Selectman O’Leary said they cannot enforce these fines as they are not a town ordinance. A public hearing will have to be held first. Chairman Manseau said those are the outlines of the Rules & Regulations with the attached fines and agrees they need to have a hearing and are not enforcing the fine structure right now.
Selectman O'Leary stated that in the minutes of May 19th, Selectman Dawson made a motion and the Selectmen approved to allow the football team to play 3 games in the fall. Selectman O'Leary said it was brought to his attention that there are 3 more games scheduled and the Board did not give permission for these additional 3 games. Chairman Manseau said what they authorized was the High School’s 3 games and also authorized that anything else with any activity on the field would be through the scheduling in the office. They specifically addressed the High School games, there were originally 4 and it was cut back to 3. This was authorized specifically at a Selectmen’s meeting and it was voted on. In later meetings it was voted on that any organized sport that was to use that field should come in and be placed on the schedule. Chairman Manseau asked the secretary if the Middle School notified her to be placed on the schedule. The secretary informed the Board that she did not receive a call from the Middle School but was given a copy of that schedule for the Middle School from Susan Walker and copies were also given to the Selectmen. Alice said it was her understanding that first there was the vote to authorize the 3 specific games and then a month ago the Board voted to set the scheduling through the Selectmen’s office. Selectman O'Leary said as far as he is concerned there were only 3 games authorized for the Rte. 132 field and other games would be scheduled for next year not this year. Selectman O'Leary addressed the Chairman regarding a letter sent to Mr. Goodin, caretaker of the Catholic Cemetery dated June 30th. Selectman O'Leary said on June 16th he requested a letter to be sent to the Church and was told that the letter was already sent. Selectman O'Leary said Chairman Manseau did not send the letter and feels he is misleading the Board. Chairman Manseau apologized. Selectman O'Leary feels because of the Chairman’s actions regarding this letter, he made a motion asking Chairman Manseau to step down as Chairman of the Board. Chairman Manseau said he will not voluntarily step down as Chairman. There was no second to the motion, motion failed.

Selectman Brown said he has a concern related to this issue which is the Selectmen at every meeting getting involved in running the football field. Selectman Brown said he refers to the field as a football field because this is what it is turning into. Selectman Brown said he does not feel the Selectmen should be responsible for running a Municipal Ball field and does not feel it is proper. Selectman Brown suggested having Friends of Winnisquam football buy them out and take over the scheduling.

Selectman Dawson referred back to the letter to the caretaker of the cemetery Selectman O'Leary discussed. Selectman Dawson said she will write a letter addressed to the Catholic Church. The Board discussed who would take over the field as they do not have another entity such as a Parks and Recreation Commission. Selectman Dawson asked Selectman O'Leary if he would like to make a motion to
limit the amount of games they now have so no more can slide in. Selectman O'Leary made a motion not to schedule any further activity after October 30th, until May 1st of 2006, seconded by Selectman Brown. Chairman Manseau, Selectman Dawson & Wadleigh where not in favor. The motion did not carry.

Chairman Manseau made a motion that effective October 6th, the Selectmen start meeting on a weekly basis, seconded by Selectman Dawson. All were in favor.

Public Input:
Carla Constant asked what the status is regarding the renovation of the basement area of town hall. $25,000 was put in the budget last year for climitization to be used for storing Land Use records. Alice said nothing has been done yet but has asked Joe Plessner to look into getting estimates. The Board asked to have Joe make a presentation to them when he has some estimates.

Carla asked why the Police Log has not been updated on the web site. Chairman Manseau will check with the police department.

Selectman Brown discussed a request from Mrs. Colby regarding Mr. Hast blocking the driveway with cement blocks. Chairman Manseau said he went by Mr. Hast’s driveway and the blocks were moved. Mrs. Colby asked to have the Selectmen look into it. The Board discussed this and said it is a civil issue.

Chairman Manseau adjourned the meeting at 10:03PM.