Selectmen’s meeting minutes of July 6th, 2006

Present from the Board:
Vice Chair Katherine Dawson, Cavanaugh, and LaPlante.
Chairman Manseau and Selectman Wadleigh are not able to be here this evening.

Also present:
Catherine A. Woessner, secretary

Vice Chair Dawson called the meeting to order at 6:00PM.

APPROVAL:
Vice Chair Dawson said the minutes of June 22, are not complete and will postpone reviewing them and will post a draft copy in town hall. The Board was in agreement.

Minutes of June 29th, 2006: Vice Chair Dawson made a motion to accept the minutes of June 29th, seconded by Selectman Cavanaugh. All were in favor.

PR & AP MANIFESTS: Approved and signed by the Selectmen.

ANNOUNCEMENT:
Vice Chair Dawson announced that the Department of Environmental Services is putting out a pamphlet called “Protect your family, test your well’s water quality today”. A guide to water quality testing for private wells. The pamphlets are very informative and will be available in town hall. For more information contact N.H. Dept. of Environmental Services in Concord.

CORRESPONDENCE:

Vice Chair Dawson discussed the proposed Riverfront Park rules from Pat Clark for the Board’s review and change.

#4 No alcoholic beverages permitted on the park grounds. The Board discussed this and agreed because there is an area in the pavilion that can be used for a fee for other functions, such as a wedding or family gathering. The Board feels there should be a stipulation that there are no alcoholic beverages without a permit or approval. Selectman Cavanaugh asked Chief
Chapman if this could be done. Chief Chapman informed the Board that having a permit for alcoholic beverages would have to be proposed by the Board of Selectmen and approved and then go to Town Meeting next year. Chief Chapman said it would have to be an ordinance specifically for a permit and spell out the regulations. Vice Chair Dawson said according to the RSA’s the Selectmen are allowed to make regulations for the park. Chief Chapman said the Selectmen can enforce it now, but if it is going to become an ordinance, and in order for the police to enforce this it has to become an ordinance. Vice Chair Dawson said the Board will investigate this and when they have something written up they will have Chief Chapman look it over.

#6 The Board discussed limiting the size of a motor for boats to a certain size. Vice Chair Dawson said she does not think the town can regulate the size of a motor on a State body of water and will look into this.

Vice Chair Dawson read a request from Jarek Heck who would like the Board to abate his taxes once again. This is his third request for an abatement. Vice Chair Dawson would like to ask Mr. Heka for a report on his future expectations for work and also a financial history. The Board is in agreement and will send Mr. Heka a letter asking for this information before the next meeting. The Board also agreed to abate any interest and penalties while the Board is reviewing his request for an abatement.

Vice Chair Dawson informed the Board of an error on the town’s part regarding Mrs. Bettencourt’s property. Mrs. Bettencourt was in a nursing home on a temporary basis for physical therapy. It was thought that she was there permanently, which means she would have lost the exemption on her home. Since it was a temporary basis the tax collector has gone back and figured the elderly exemption as it should have been and is suggesting the Board abate in the amount of $1,163.19 to correct this. Selectman Cavanaugh made a motion to follow the recommendation of tax collector Sue Fecteau to abate and refund to Audrey Lilly (Mrs. Bettencourt’s daughter) $1,163.19, seconded by Selectman LaPlante. All were in favor.

Vice Chair Dawson informed the Board that the Citizen faxed a request for information dated July 5th, 2006 which stated “Under the provisions of NH
RSA Chapter 91:A the State’s right to know law, the Citizen is requesting the following information: copies of all minutes and other written records including but not limited to electronic communications between town officials relating to placing the Town Clerk on paid administrative leave and the subsequent decision to reinstate her. Decisions on payments to her and her attorneys and discussions relating to the Town Clerk and Town Administrator leading to the termination of the Town Administrator. This communication was from the news editor of the Citizen, Thomas Caldwell. Vice Chair Dawson does not believe there are any electronic communications, does not know of any existing. Vice Chair Dawson said the Board is in the process of collecting all of the minutes and the Board will have to review them and have a vote to unseal them after they read them. The Board discussed having counsel look at the minutes as they may have to edit portions as in some non public sessions there are multiple topics discussed. Vice Chair Dawson suggests they compile all of the information and have Charlie Chandler look at it. Vice Chair Dawson made a motion that once all of the information regarding the non public minutes is compiled that it is given to Attorney Chandler for review and release it, seconded by Selectman Cavanaugh. All were in favor.

Letter from Joe Thornton, Franklin Savings Bank: Vice Chair Dawson said the letter is seeking the support from the Board for a traffic light at the Exxon intersection to send to the State. The Selectmen and Chief Chapman discussed the time line and this is their biggest concern. Chief Chapman is concerned that this will be put on a ten year plan and there will be a life lost. Chief Chapman suggested sending a letter to the State requesting how long it will take for the State to put in a light. Selectman Dawson said if they extend the median for now that it would not be that difficult to remove it and therefore put a light in. Chief Chapman said they could put in two or three temporary jersey barriers in and he would be all for this. Selectman Dawson suggested they include some questions in the letter from Mr. Thornton, Franklin Savings Bank.

Chief Kent Chapman: Chief introduced Mr. Walter Zalisko who was hired to do the study and review of the Tilton Police Department by the Police Study Committee. Mr. Zalisko is a former Police Chief in Florida and has
over 30 years experience. He is the founder and president of PMC International. Mr. Zalisko will meet with each of the Selectmen at some point in time. Mr. Zalisko said his strategy for this project is he will be here for three days to observe and photograph different areas of the Police Department and of the town. He will also do an analysis of what the work load is in the police department and he has been provided with documentation of the number of calls they have, volume of arrests. Mr. Zalisko said he will try to analyze this to see how they have progressed over the last ten to fifteen years. Selectman Dawson asked Mr. Zalisko if he has reviewed the study that was done last year for the possibility of a Life Safety Building, providing Fire and Police in a building. Mr. Zalisko said he has not but will ask for a copy of the study. Mr. Zalisko informed the Board that it will take at least two months to complete the report and will meet with the Board to make a presentation on their findings.

**Dennis Allen Public Works Director:** Dennis informed the Board that he contacted four Paving Companies for quotes on Vista Heights and has the bid results. The low bidder was Wolcott-$4,760.00, Pike-$4,900.00, R&D-$5,134.00, and CLD-$5,400.00. Dennis will obtain a contract from Wolcott who is the low bidder. Dennis has a certificate of insurance from Wolcott. Dennis said the project should not take more than a day and a half.

Dennis informed the Board that he called Tim Bryant from VHB regarding the High Street Bridge and asked him for an estimate. Dennis is waiting for the fax from Tim. Dennis reported he has an estimate from Turner Group and is meeting with an engineering company, VK Partner on Tuesday to go over their design and cost. Dennis said the repair of the bridge should be done by mid October.

Dennis reported that he met with Larry Martin from FEMA and went over the damages on the Island. The estimate for the replacement of the seven granite blocks is around $7,000.00. Dennis asked Mr. Martin if they would pay for the cleaning of the catch basins as there was a lot of run-off during the storms. Dennis informed Mr. Martin that he has this done on a yearly basis and has the documentation. Mr. Martin said he may be able to
reimburse Dennis $1,850 for this item also. Dennis said he does not expect payment for at least two to three months.

Dennis reported that he looked at the Jordan residence on Range Road to see if the gravel piles have been removed and they have not as of July 5th. Dennis gave the Board an estimate to remove the gravel in the amount of $400.00. Selectman Dawson said a letter has not been sent to Mr. Jordan as they were waiting for more information.

Dennis asked the Board if they saw the information requesting the use of his backhoe to help with the Archaeological Phase of the proposed Lochmere Sewer Project. Dennis said he thought it was going to be for a couple of days for backhoe use but it appears to be for at least two weeks plus weekend backhoe work required. The Selectmen asked Dennis to give them a cost estimate and figure each day as a full day and overtime for weekends. The cost estimate will be submitted to the Sewer Department and a copy to the secretary.

Dennis reported Hazardous Waste Collection Day is Saturday, July 29th, and Saturday, August 5th, 2006 at various locations. Posters with the locations are in Town Hall and posted throughout town. Dennis also has copies at the transfer station to be handed out.

Dennis informed the Board that the paving of the Cedar St., sidewalk has been done.

Selectman Dawson asked Dennis if he could schedule picking up trash at the town hall on Monday and Thursday mornings, and also if he could have someone sweep up the area in front of town hall. There has been a large accumulation of trash in front of town hall steps and sidewalk. Selectman Dawson asked Dennis if he can fit this in his schedule for weekly pick up and the cleaning done on Monday mornings. Dennis said he would take care of it.

Selectman Cavanaugh informed Dennis of a letter they received from Ray and Pat LeVasseur of 87 Andrews Rd., regarding the flooding of town owned property, 85 Andrews Rd., that floods over and in turn will flood over onto
their lot. They are looking for options and will be glad to discuss this with the Selectmen. Selectman Cavanaugh asked Dennis if he would look at the property in question and report back to the Selectmen at their next meeting.

Dennis reported that the looked at the ball field and thinks it should be leveled off. He will need a bulldozer for one day at a cost of $450.00 to $500.00. Dennis said he will haul off whatever he can to the garage and then grade it off and what is left will be put back at the end of Rte. 132.

George Hast: Mr. Hast referred to the packet of information submitted to the Selectmen. The letter of October 19, 1983 in which Mr. Hast purchased the Mobile Home Park from the Hamilton’s under the provisions that they have Mr. Hamilton’s permit transferred to the new owner. It states for the protection of the town that the new sites would be subject to the existing regulations with the State of NH and Tilton Zoning. Mr. Hast said he does not have a problem with this. Mr. Hast said they have a buyer who would like a 120 site permit.

Mr. Hast is asking for the Board’s support of the letter dated December 28, 1993. Selectman Dawson informed Mr. Hast that the Selectmen received opinions from the LGC regarding the grandfathered rights of the park and also from attorney Puffer. Selectman Dawson said this is not something that the Board of Selectmen can decide on; it has to do with grandfathered rights. Selectman Dawson said at this point, it would have to go to the Zoning Board of Adjustment to see if they will give back those sites. Selectman Dawson said there is an agreement between Sherryland park and the Town of Tilton and there is some question in this agreement whether or not in this agreement those sites were lost. Selectman Dawson said she thinks the decision from the LGC and Attorney Puffer address whether or not the grandfathered rights ran out. According to RSA: 674:39 also addresses those rights and believes this is where the LGC and Attorney Puffer based their decision on. Mr. Hast said he would like to be assured that when the new owners take over they are not going to be locked into 35 sites. Mr. Hast said they have the room to put the sites; the town has the need for the type of housing that they are demonstrating. Selectman
Dawson said the question is Mr. Hast’s grandfathered rights and it should go to the ZBA. Selectman Dawson asked former Selectman Bob Brown if he had any input on this discussion. Mr. Brown informed the Board of something that is called “Quiet Title”. You can petition the court to take all of the evidence on both sides and they will make the decision on their own, and this is final, and is called a quiet title. Mr. Brown suggested the Selectmen check with town counsel.

After the Board further discussed this Selectman Dawson informed Mr. Hast that in reviewing the information, it is not a decision of the Board of Selectmen, it is a Land Use issue. Selectman Dawson informed Mr. Hast that she believes his next step is to go before the Zoning Board of Adjustment to ask for his grandfathered rights to be reinstated. Selectman Dawson said what they are looking for is substantial development that would show that Mr. Hast had intended to put in the 121 sites. Mr. Hast informed the Board that he is here this evening to ask them for a letter of support that this type of housing is needed that he can take to the Zoning Board. Selectman Dawson said she needs some time as to how to respond and will be glad to. The Board was in agreement. Selectman Cavanaugh informed Hast that as elected officials they need to fall back on what the attorney’s recommend that they do or not do, personal feelings aside. If the attorneys say this cannot be done or you have to go another Board, this is what the Selectmen are going to recommend to you.

Mr. & Mrs. Sellew: Silver Lake Rd Sewer Project: The Sellew’s attended the meeting to express their concern regarding the Sewer project and the Silver Lake Road construction project and not having a guarantee with the contract and not enough information forthcoming from the engineers, The Turner Group. Mrs. Sellew asked why it is costing an extra $60,000 for the archaeological dig. Selectman Dawson said the archaeological expenses that were part of the contract was $35,000 for just the road construction and that has now been eliminated so there will be no archaeological dig in conjunction with the road construction.

Mr. Sellew submitted a list for copies of all bills and invoices from Provan & Lorber pertaining to the Lochmere Sewer Project and copies from the Turner Group as well.
Selectmen’s meeting minutes of 7/6/06

Selectman Dawson gave Mr. Sellew copies of invoices of what has been paid to the Turner Group to date. The Town of Tilton has paid for (Lochmere Rd. Project) $70,167.53. Mr. Sellew would also like a breakdown in writing that explains the $391,795 which was warrant article #7 approved by the Selectmen for the Sewer Commission followed by a town vote in 2006. Selectman Dawson said she will look into this for the Sellew’s and get back to them.

Vice Chair Dawson asked the Board to address the list of questions from Finance Officer Kathy Yeo. Selectman Dawson said Kathy is specifically looking for one or two of the Selectmen (#5 on the list) dedicating one day of the week taking turns to come in and sign the invoices. Selectman LaPlante said he would stop in on Monday, Selectman Cavanaugh on Wednesday, and Selectman Dawson will be in on Friday. Selectman Dawson said she will The rest of the questions will be addressed by Chairman Manseau when he is back. Selectman Dawson said she does not think they have given Kathy written authorization to pay overtime for town employees which the Board voted on at a previous meeting. Selectman Dawson said she will write a letter of authorization for the finance officer.

The Board reviewed the abatement recommendations from Avitar and after review they were in agreement and signed the abatements.

Selectman Cavanaugh discussed a notation regarding one of the abatements that says the value now exceeds the exemption amount, Selectmen may want to consider hardship in 2005 in a warrant article to increase exemptions for 2006. Selectman Dawson said this is something the Board will have to discuss with Avitar and have them give the Board guidance as to presenting this as a warrant article at town meeting and let town meeting decide if they want to do this.

PUBLIC INPUT:

BOB BROWN: Mr. Brown informed the Board that there is a lot of concern regarding the information in the newspapers of the town clerk's criminal investigation and the audit that was done. Mr. Brown's concerns are in the
Selectmen's meeting minutes of 7/6/06

article of 7/4/06 where the town paid the town clerk's attorney's fees and does not remember when the Board discussed this. Selectman Dawson responded that this was attorney/client. Mr. Brown also asked if it was recommended by town counsel that the town make that payment through the indemnification process. Selectman Dawson said this is a discussion she will have with the Selectmen as they need to review how much of that attorney/client and it goes back to the request from the Citizen for information because so much of that discussion was attorney/client. The Board will have to review it and vote to release it.

Mr. Brown expressed his opinion on the indemnification if that is the basis for the payment to the town clerk's attorney. Selectman Dawson said the Board of Selectmen voted on the indemnification of public employees or officials in April. Mr. Brown stated that indemnification is only implemented when an actual case is brought against an employee of the town. Selectman Dawson said she is the one who brought the indemnification forward and when she did that it had nothing to do with the town clerk situation. Mr. Brown said the public's concern is how does the Board justify this payment when the town clerk did not need a lawyer as she was on administrative leave with full wages and benefits and at that point did not have a reason to have an attorney. If the town clerk did this on her on volition, why hasn't she paid for it herself. Mr. Brown stated that people need to know the answer to this. Selectman Dawson said hopefully the Selectmen can do that.

Ken Randall and Cecile Roberts sitting in the audience expressed their agreement in Mr. Brown's concerns.

Ken Randall: Mr. Randall asked the Board why there are not two registers out in the town clerk's office, one for the clerk and one for the deputy. Selectman Dawson said this is something the Selectmen are going to vote on tonight to release that portion of the MRI report so they can implement it, but now that it has been made public they do not have to do that. Mr. Randall asked why this has not been done before. Another concern of Mr. Randall's is the envelope with overage used if there is too much money or too little. Mr. Randall said this is public money and common sense says you do not do this with public money. Selectman Dawson said this is the way it has
been done in this town for over 25 years. It was accepted policy, but it will not be done that way any more, there is no longer an overage envelope. Mr. Randall said this is something that should not have been allowed to exist in the first place. Mr. Randall expressed his surprise that the previous town clerk had been using an overage envelope also. Selectman Dawson explained to Mr. Randall that it is the same as a petty cash envelope. Mr. Randall does not agree. Mr. Randall asked if an audit was done when Cindy Reinartz was elected as town clerk. Selectman Dawson said there has been a full audit of that office since Cindy has been elected. Selectman Cavanaugh agrees with Mr. Randall regarding the overage envelope and believes an overage or shortage gets done every night and there should be some type of a statement showing what that is at the end of every day. Selectman Cavanaugh discussed the implementation of items in the MRI report and said there are certain things the Board cannot dictate to an elected official that they can to a regular town employee. Selectman Cavanaugh informed Mr. Randall that if the Board is allowed to force the issue there will be two cash registers at the town clerk's counter. If they are not allowed to force the issue with the town clerk and another example would be the tax collector. If the Selectmen cannot make them do things, as elected officials, then they need to take this to town meeting as a warrant article and have them vote on it. Selectman Cavanaugh said the Board fully intends to put a warrant article together that will stipulate many things including the hours that the townspeople expect those people to work in their offices. Right now the Selectmen cannot force anything.

Mr. Randall said another concern is how an invoice is paid, from when it comes in, paid, posted and a report is generated by the bookkeeper and given to the Selectmen. Mr. Randall asked how they know when an account is over expended and funds have to be transferred from one account to another, how it is shown and where it is shown. Also do the reports to the budget committee on a monthly basis. Selectman Cavanaugh thinks it would be a good idea to share these reports with the budget committee on a monthly basis.

Mr. Randall informed the Board that during elections there has to be a posting of the elections in the place where the elections take place which is the middle school. Right now the postings are in the school on the side of the main office which makes it difficult for residents to see this
information as the office is locked. Mr. Randall is suggesting they have a Kiosk like the one outside of town hall to post the elections. This would be placed outside of the middle school so the notice of the elections can be posted the same way they are at town hall. Selectman Dawson said these election notices are also posted throughout the town. Selectman Dawson said she will check into this as they will need permission from the school.

Cecile Roberts: Mrs. Roberts commented on the town clerk going to the bank every day and would like to know why. Selectman Dawson said the RSA’s deal with the amount of accumulated money which is over $500.00 that has to be deposited. One of the things the Selectmen cannot control are the duties of an elected official and cannot dictate the town clerk’s hours. They can control what happens to town monies and having two registers at the counter, and this is why a warrant at town meeting may appear which will control the duties.

Gail Ober, Reporter, The Citizen: Ms. Ober asked the Board if it is their intention to implement the MRI report and are working with the town clerk to move forward with the recommendations outlined in the report. Selectman Dawson said their intention has been and is to work with the MRI recommendations and to formulate a plan and whatever can be controlled will be implemented and whatever they cannot will be created with a warrant article at town meeting. The warrant article will be checked with the LGC first.

Selectman Dawson informed the Board of a request from the Water District asking to be added onto the town’s Metrocast Cable Vision and also the town’s insurance through the Local Government Center. Selectman Dawson talked to Paul Sanderson from the LGC who stated that the Water District is a separate entity and therefore, cannot be part of the town’s insurance policy. Selectman Dawson said it also goes back to the Municipal Budget Act the town cannot spend town’s money on a separate government entity. Selectman Dawson said she will further research this and get back to them. Mr. Sanderson from the LGC said he would be glad to make a presentation to the Water District regarding the insurance. At this time Selectman Wadleigh joined the meeting.
At 8:23PM Vice Chair Dawson make a motion to go into non-public session for the purpose of discussing a law suit and employee issue, seconded by Selectman LaPlante. A roll call vote was taken. Selectman Wadleigh, yes, Selectman Cavanaugh, yes, Selectman LaPlante, yes, and Vice Chair Dawson, yes.

At 9:35PM the Board resumed their regular meeting. Vice Chair Dawson made a motion to seal the minutes of the non-public session until they have ended negotiations on a pending law suit, seconded by Selectman LaPlante. Selectman Wadleigh, yes, Selectman Cavanaugh, yes, and Vice Chair Dawson.

The Board discussed a current use tax for R-17 Lot-45 submitted by Gary Roberge from Avitar in the amount of $5,500 and a bill should be issued. Selectman Dawson made a motion to accept the recommendation of Mr. Roberge of Avitar and issue a bill in the amount of $5,500 for a current use tax on R-17-45, seconded by Selectman LaPlante. All were in favor.

At 9:38PM Selectman Cavanaugh made a motion to adjourn the meeting, seconded by Vice Chair Dawson. All were in favor.