Tilton Board of Selectmen's Meeting  
Tilton Town Hall  
March 20, 2008

Minutes

Present from the Board:  
Selectman Katherine Dawson, Selectman David Wadleigh, Selectman Tim Pearson, and Selectman Al LaPlante. Selectman Tom Cavanaugh was not present.

Also present:  
Town Administrator Joyce Fulweiler and Secretary Catherine A. Woessner.

I. Call to Order:  
Selectman Dawson called the meeting to order at 6:00PM.

II. Approval of Minutes:  
Selectman LaPlante made a motion to accept the minutes of March 13, 2008 as written, seconded by Selectman Pearson. All were in favor.

III.  
Selectmen’s Correspondence:

1. Drew’s Junkyard will be inspected next week.
2. Public Works Dir., Dennis Allen checked the Grange Hall roof and it is okay. He also cleared the Park Street Bridge sidewalk of snow.
3. Selectman Pearson asked the timeframe for the completion of the 2006 Audit as it needs to be completed for Bond council.
4. Joyce informed the Board that she contacted the LGC and has the names of two attorneys to contact.
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5. A copy of a letter to ZBA from resident Priscilla Smith of Murphy Lane who received a variance from the ZBA to increase the size of their existing cottage. The variance was granted with conditions by a 3 to 2 vote.

Selectman LaPlante, also the Code Enforcement Officer addressed this letter. Mr. LaPlante said he received a complaint that there is an overhang on the building which they did not receive permission to add. Mr. LaPlante met with the Smith’s and they provided him with the blueprints they submitted to the ZBA meeting which were approved and the overhang was on those blueprints. Mr. LaPlante checked the minutes of the ZBA minutes and the overhang was not on the blueprint submitted at that meeting. Mr. LaPlante will contact the Smiths to discuss this. Upon review of the picture of the overhang on the building, Selectman Dawson said the only thing the Selectmen can do is enforce, they cannot grant them any variances. At this time the Smith’s are in violation of their variance from the Zoning Board of Adjustment. If they want to keep the overhang they will have to go before the ZBA again and ask for another variance. Before they do this Mr. LaPlante will have to inform them they have to take the overhang down. Mr. LaPlante will also discuss this with Norm Boudreau, Chairman of the Zoning Board.

6. Letter from MRI regarding the Fire Study. Selectman Dawson discussed their recommendations with the board and they have questions they would like addressed. The board will further discuss this at next week’s meeting and at that time compile a letter to MRI with their questions.

IV. Officers & Ex-officios:

Chairman, Board of Selectmen: Selectman Pearson made a motion to appoint Katherine Dawson as the Chairman, seconded by Selectman Wadleigh. All were in favor with the exception of Selectman Dawson who abstained.

Vice Chairman: Selectman LaPlante made a motion to appoint Selectman Cavanaugh as Vice Chair, seconded by Selectman Wadleigh. All were in favor.
Ex-Officio’s:

Selectman Dawson will remain ex-officio to the Planning Board

Ex-Officio’s continued:

Selectman Dawson nominated Selectman Pearson as ex-officio to the Budget Committee, seconded by Selectman LaPlante. All were in favor with the exception of Selectman Pearson who abstained.
Selectman Dawson nominated Selectman LaPlante as ex-officio to the Parks Commission. All were in favor.

V. Appointments with Selectmen:

Public Works Dir., Dennis Allen & Joyce Fulweiler

Joyce and Dennis presented the bids for the Trash Contract for the Town of Tilton. Joyce is recommending Bestway who has been with the town for nine years and have provided good customer service. They have not increased their charges in three years. Dennis is also recommending Bestway. Dennis discussed the fuel surcharge in Bestway’s contract. If fuel reaches $4.00 per gallon and exceeds $4.00 per gallon there will be a surcharge over and above their base line figure of $3.75. The three year contract will be with the $4.00 surcharge and anything above $4.00 they will take an average of that increase for that month based upon the actual gallons that are used.

Motion by Selectman Pearson to accept the Bestway Trash Contract with the fuel surcharge (providing the language is acceptable), seconded by Selectman LaPlante. All were in favor.

Joyce informed the Board that the current contract with Bestway expires on March 31, 2008. Joyce asked the Board’s permission to have the new contract reviewed by an attorney. The Board was in agreement.
For three years;
The Bids are; Bestway-$322,500 Waste Management-$366,000 Pinard Waste Systems-$684,900
Dennis informed the Board that he is still waiting for a couple of bids and prices on pickup trucks have gone down from what he projected. When he has three bids he will present them to the Board.

**Police Chief Cormier:**

Chief is requesting a transfer for the part-time secretary to full time dispatcher. There is presently a full time and part-time secretary but does not have a dispatcher. Chief Cormier said it is in the budget to have a full time dispatcher and full time secretary. The position will be for 40 hours with benefits.

**Motion was made by Selectman LaPlante to accept Chief Cormier’s request to transfer Brynne Johnstone from part-time secretary to full time dispatcher with benefits, seconded by Selectman Pearson. All were in favor.**

**Parks Commissioners:** Commissioners Vicy Virgin, Bob Hardy, and Steve Jones joined the meeting. Chairman Hardy said they had several items to discuss.

1. Reappointments and appointments. Bob’s three year term is up and he would like to be reappointed. The Board signed the reappointment for Bob Hardy last week. Janice Boudreau would like to serve as a Parks Commissioner as recommended by the Parks Commissioners.

**Motion was made by Selectman Pearson to appoint Janice Boudreau to the Parks Commission for a three-year term, seconded by Selectman LaPlante. All were in favor.**

3. Reservation packet which includes park rules. This was given to Attorney Chandler for review. There was a Public Hearing for the Riverfront Park only not for the rest of the Parks and Rules. Attached to the Reservation Packet is the checklist, inspection form, application form to reserve the parks. There was discussion regarding the application form presented by the Commissioners and the application that is currently in use.
The Board would like to see both of these applications combined as they both have good information. There was discussion regarding the attorney's comments regarding the parks rules. Joyce said it is okay to do the rules and have to put signs up and the only way to have fines for a violation the Town would have to adopt an Ordinance. Selectman Dawson asked the Parks Commissioners to obtain a letter from our attorney confirming that everything is okay. The next step will be to schedule a public hearing and the Selectmen can adopt the rules as Selectmen's Ordinances and this will be presented as a warrant article at next year's Town Meeting to be adopted as Town Ordinances. Selectman Pearson asked to discuss the difference between the deposit and the fee for the parks and the checking account. Selectman Dawson read from the August 9, 2007 minutes; regarding fees Bob Hardy said if a business or an organization for private wants to rent one of the Parks the Town should receive a fee from them if they are using Town property to make a profit. The money will be held by the Parks Commissioners. In discussion it was agreed to have the fee assessed at a minimum of $100.00 user fee or as assessed by the Parks Commissioners. Selectman Dawson said you can go through Town Meeting to be allowed to put fees into an account but this has not been done. There is no record giving the Parks Commissioners this authority at Town Meeting.

Motion by Selectman Pearson to table their previous motion in the past regarding the account (which was to require to be dissolved and deposited into the general fund) until they have more information, seconded by Selectman Dawson. All were in favor.

Selectman Pearson asked the Commissioners if they have a process for waiving the fees for certain individuals or organizations. Commissioner Steve Jones addressed this as they waived the fees for the football league that will be playing every week. Bob Hardy said they did discuss waiving this fee and it was voted on at the Parks Commission meeting. Any fee that is waived is voted on at a Parks Commission meeting. Selectman Dawson added that the agreement was also that the applications would be made at Town Hall.
Selectmen’s meeting minutes of 3/20/08

Bob Hardy said it would be temporary until reviewed and approved by the Parks Commission is his understanding. Selectman Dawson said there should be only one entity handling the applications and accepting applications. Selectman Dawson read the Selectmen's minutes which states the scheduling will remain being done at Town Hall. After further discussion Selectman Dawson asked the Parks Commissioners to submit to the Selectmen what procedure they would like to see followed and it will be reviewed and then will meet with the Commissioners.

3. Tree City Arbor Day Celebration will be May 3, 2008 at the Riverfront Park from 10:00AM to Noon. State Representative for Tree City USA Mary Reynolds will attend the ceremony.

Bob asked Joyce for records for the Tree City Application that has to be submitted again as the original was lost. Bob still has the proclamation but does need the financials.

Tilton-Northfield Fire District Election:

Selectman Dawson informed the audience that the Selectmen are going to discuss asking Belknap County Superior Court permission to have the election done over. Selectman Dawson said she does not want this discussion to turn into a finger-pointing session. She would like to discuss if they have cause, where the Tilton voters disenfranchised because of mistakes made and this is the issue. Selectman Dawson said her personal feeling is that they should ask Superior Court for a new election. The ballots were not handled properly and there were a lot of things done incorrectly that protect the ballots. Selectman Pearson asked to discuss what the deficiencies are. Selectman Dawson listed them as follows;

1. Village District Requirements for an Election. There was no fire district moderator or deputy moderator in Tilton to explain the ballot. Selectman Dawson said some residents thought the ballot was a pamphlet and did not vote. They were not told this is a Fire District ballot and needed to vote on this as well. The procedure for counting the ballots was not carried out properly. There was no fire district moderator or assistant overseeing it.
2. When the absentee ballots were sent out from the Town of Tilton only the Town and School Ballots were sent out. The fire District ballots should have been sent out by the clerk representing the Fire District. Selectman Dawson said if they include the absentee ballots which were actually 17 she believes this could have changed the outcome of the election. Selectman Pearson said he is in favor of seeking the petition for the re-election. Fire District Moderator Scott McGuffin who is also the Northfield Town Moderator said he was not concerned about the blank ballots as it is not unusual to see blank ballots. He does feel the Tilton voters were disenfranchised and yes the absentee ballots are an issue.

Fire Commissioner Kevin Waldron from Northfield asked the Board what their motivation is, “are you looking to overturn the election because you don’t like the outcome” Selectman Dawson said the outcome of the election is not the issue for her personally. There were a lot of things that were not done correctly as stated before. The outcome of the election is the will of the people. Was the will of the people in Tilton served by this election? Where they disenfranchised? Where they aggrieved? Selectman Dawson feels they were. The outcome of the election is not going to be controlled by whether or not there is a new election or not. The people will vote for whom they want. Selectman Wadleigh agrees the important thing is they have the proper vote to protect the integrity of the vote.

Motion was made by Selectman LaPlante to petition the Belknap Superior Court for a new election for Fire District Commissioner, seconded by Selectman Wadleigh. All were in favor.

Town Administrator:

Joyce asked for the rates of the Town Clerk/Tax Collector position and the Deputy Town Clerk/ Tax Collector as she is preparing Personnel Action forms. The Town clerk/Tax Collector is a salaried position based on a 40 hour week will be $800.00 weekly at a rate of $20.00 per hour. The Deputy is an hourly rate at $15.00 per week based on 40 hours which will be $36,000 annually.
Selectman Pearson would like to have a date for the completion of the 2006 Audit as soon as possible as this will hold up the purchase and sales. Joyce asked the Board's permission to have Attorney Sean Chandler at the closing (new police station, property) and they can use his office. The Board agreed.

At 8:40PM Selectman Dawson made a motion to go into non public session regarding litigation, seconded by Selectman LaPlante. Selectman Wadleigh, yes, Selectman Dawson, yes, Selectman LaPlante, yes, and Selectman Pearson, yes.

At 8:55PM the Board resumed their regular meeting. Motion by Selectman Dawson to seal the minutes of the nonpublic session, seconded by Selectman LaPlante. A roll call vote was taken. Selectman Pearson, yes, Selectman Wadleigh, yes, Selectman LaPlante, yes, and Selectman Dawson, yes.

Selectman Dawson adjourned the meeting at 8:56PM.