Town of Tilton
257 Main Street
Tilton, New Hampshire 03276

Minutes of January 15, 2009

Present from the Board:
Selectman Katherine Dawson, Selectman Tom Cavanaugh, Selectman David Wadleigh, and Selectman LaPlante.

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

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

Approval: Minutes of January 8, 2009.

Selectman Cavanaugh made a motion to accept the minutes of January 8, 2009, seconded by Selectman LaPlante. Selectman Cavanaugh noted spelling corrections on page 6 and page 9. Selectman Dawson noted a correction on page 4. All were in favor of accepting the minutes as corrected.

Selectman Dawson informed the Board she was asked to have a non-public session to discuss with the Town Clerk some money matters. Selectman Dawson said it has been brought to her attention that some feel this should not be a non-public session, and asked the board to discuss it. Selectman Cavanaugh feels it should be public if the discussion is regarding money, but if it is disciplinary action then that would be non-public. Selectman Cavanaugh said the Budget Committee is aware of this issue as it was explained to them by the Finance Officer in summary. Selectman Dawson explained the issue is that some monies from the town clerk’s office were deposited in the wrong account, not the town's account. The Board will go into non public session and make a statement when back in public session.
At 6:10PM Selectman Dawson made a motion to go into non-public session regarding (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting, seconded by Selectman Cavanaugh. Selectman Wadleigh, yes, Selectman Cavanaugh, yes, Selectman LaPlante, yes, and Selectman Dawson, yes.

At 6:30PM the board resumed their regular session. Selectman Dawson made a motion to publically disclose the minutes, seconded by Selectman Cavanaugh. Selectman Wadleigh, yes, Selectman LaPlante, yes, Selectman Dawson, yes, and Selectman Cavanaugh, yes. Selectman Dawson announced that the non public session had to do with the depositing of some of the town’s accounts. There will not be a discussion of the employees involved.

**Municipal Finance Officer, Tim Pearson** informed the Board that he has a letter of agreement to the State of New Hampshire who he negotiated with regarding three town deposits that were made into the State’s accounts in error. The town will receive all of the money back but they had to negotiate with them about the timing of the issue. Tim said in talking with the State they said this has happened with other towns periodically. Tim worked out an agreement with the State and in thirty days the town should have a majority of the hold back returned. Tim explained that the hold back is the State is willing to provide the town with all the monies back except for $30,000 because checks might not have cleared. Tim explained that he did this on behalf of the board but also needs to understand from the board if he is authorized to do this type of thing. Tim said it was necessary to act on this to get the majority of the money back into the towns account as soon as possible. The original amount the State wanted to hold back was $67,121.50, and Tim negotiated it down to $30,000. Selectman Cavanaugh asked if the Chairman of the Board, Katherine Dawson was made aware of this. Tim said not immediately he did call her later in the evening to inform her.
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The Board agreed that as the finance officer this is something he is tasked to do and this is in writing to negotiate these types of things when he was hired. Selectman Cavanaugh would like the board to be informed when all of the town’s monies are back in their account. The town clerk has taken steps to make sure this mix up does not happen again by moving the deposit books to another place and getting different deposit sheets.

Municipal Finance Officer, Tim Pearson:

Tim discussed the SWEEP account with three options and recommended the Board select the FDIC insured option for the entire amount of their account which today provides greater interest than they have been receiving. Tim said he has discussed this with the town’s treasurer and with the Town Administrator and they are both in agreement. After the Board discussed this Selectman Cavanaugh made a motion to change their account arrangement with Northway bank, eliminating the town’s current sweep account, and authorizing their municipal finance manager to modify their primary account with Northway bank to be 100% FDIC insured interest bearing account, seconded by Selectman LaPlante. All were in favor.

Tim discussed change order #14 and partial pay estimate #13 the board asked him to review. Tim said he is satisfied and is recommending that change order #14 be signed (sewer only) in the amount of $7,049.00. Tim informed the board that by signing it they will be invoiced in the amount of $7,049.00. The second item is change order #15 which is for the realignment of the intersection of Brook Road and Silver Lake Road in the amount of $10,740. Tim is recommending the Board sign this as well. Tim informed the board that there is a balancing change order coming which will be the final one, #16. Turner has a draft copy of it and have presented it to the State for review. Partial payment #13 is work that has been completed and the change orders were signed and approved by the board and are ready for payment. Tim said the only caveat is the $103,000 settlement work that was done. Tim is recommending they hold back what they have invoiced Turner for the rework which is $106,095.00 which Tim has discussed with Turner Group.
Tim informed the Board there is a recommendation in their packet to increase the tonnage rate to $49.00 per ton which represents a seven percent increase of what the COOP is charging. This includes a $3.00 per ton administrative charge. The Town Administrator said there has not been an increase to the Hauler’s since 2006. Tim also suggested the Board look at increasing the administrative fee which is currently $3.00 per ton. One of the Budget Committee members suggested the increase.

Tim recommends the Board increase the Hauler’s fee to $49.00 per ton which will be effective for December 2008 billing. After further discussion Selectman Dawson made a motion that to increase the fee from $46.00 per ton to $49.00 per ton for Commercial Haulers, seconded by Selectman LaPlante. All were in favor with the exception of Selectman Dawson who abstained. Motion passed.

Tim discussed the long term debt and asked the Board to consider requesting a disbursement of $40,000 from the Police Building Fund from the million dollar worth of construction money which has not yet been touched. $38,000 has been incurred in expenses so far towards the construction and as well as an invoice from the Clerk of the Works which will be coming in. The Board agreed to have the Finance Officer stay on top of the expenses regarding the new police building.

Tim gave the Board copies of the revenue reports for their review.

Tilton Police Explorers: Present; William Gourgiotis, David Chapman, Michael Gogean, Mathew, Josko, and Ryan Girardin. Supervised by Officer Merek Weisnesee, Assisted by NH Corrections Officer, Dwayne Gogean.

Chief of Police Robert Cormier presented the Explorers to the Board and would like to give them credit for the work they do, mostly behind the scenes. Officer Merek Weisnesee introduced the Explorers to the Selectmen and his adviser NH Corrections Officer Dwayne Gogean. Officer Weisnesee said these are five of a group 12 Explorers which is the largest capacity it has ever been.
This year they are trying to accomplish having all of the Explorers attend the NH Police Academy for Cadets which is once a year in the Sumer.

The Chief of the Explorers David Chapman introduced his Captain William Gourgiotis. Lt. Michael Gogean, Jr. Explorer Ryan Girardin, and Jr. Explorer Mathew Josko. Chief David Chapman explained that the Explorers have been helping the town with Old Home Day and Memorial Day and enjoying it very much. The Explorers would like to do more now that they have more Explorers. During the summer they are also interested in starting to participate in parking violations, pedestrian control, and making an appearance on Main Street. Captain Gourgiotis is currently attending Plymouth State University in criminal justice and has applied to become a student officer at the University.

The Board expressed their appreciation to the Explorers for the work they do.

Chief Cormier informed the Board that the Explorers do not have arrest powers but they can issue parking tickets helping people use crosswalks and also help in administrative duties. The cost for each cadet to attend the academy for one week in $130.00.

Selectman Cavanaugh asked to read a letter the Selectmen received from Pat Clark and Scott Davis regarding their concerns of the new police station. Selectman Cavanaugh said he personally, as a Selectman has put a letter to the editor in many of the local newspapers to explain the process they have taken regarding the new police department. In the article he asked if there were any questions or concerns to send an e-mail to the Board of Selectmen or attend a meeting. The plans can be seen on the Police and town’s website. The letter is to share with the Board concerns about the cost and size of the plans for the new police department. "After reviewing the plans on the town’s website yesterday they appear to be about 25% larger than what was planned for and presented at town meeting last year. Voters approved plans that were close to 10,000 square feet, the cost was to be up to $1,000,000 to build a "complete" police department and it was to last us 40 years. Scott Davis told me that he spoke recently with Katherine Dawson."
She indicated that if the total cost was to be higher than $1,000,000 (that would have to include any donations, too), that the Selectmen would present it to the voters at the upcoming town meeting. This was to be done prior to spending any large amount of money. At the town hall today, Albert LaPlante, who indicated he was a member of the police department plans review committee, told me that they had framing plans and were going out for bid. Once they got bids back they would choose their contractor and would most likely do the job “piece meal.” This process concerns me because the voters had not approved such a game plan. Any deviation from what was approved should come before the voters prior to doing any partial build out. Building it out partially and possibly spending all or a large portion of the million dollars, even if you got additional grant money or donations to cover the over run, needs to be approved by the voters ahead of time. Just to be sure we do not get ourselves into such a situation, the undersigned would like to request that the Selectmen honor the wishes of the voters at the last town meeting and not proceed at spending large sums until and unless you had a signed contract to cover all costs including insurance, engineering, clerk-of-the-work, and contingency fee set aside. There are voters like us willing to challenge anything more than what was approved even if it means to take possible legal action in the courts. We appreciate all the hard work that goes into such an endeavor and by no means want this to be construed as being hostile but rather cautionary.” Respectfully, Patrick Clark & Scott Davis.

Selectman Cavanaugh said after reading this letter it is his feeling that before they approve their plans or hire anyone in addition to who is already hired their feeling is that they should wait until the March Town Meeting and put it to the voters again. Selectman Dawson said she feels their concerns are that the committee may just go out and get a price for just the framing and will get all of the framing done first and second floor 100 percent and pay for that and then get a price for the electrical and so on. What will happen is they will be two thirds of the way through the project and nothing including the bottom floor will be complete and they will have run out of money. Selectman Dawson said this is not what they intend to do, that would be very irresponsible.
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Selectman LaPlante said he informed Pat Clark of this evening and informed him that once they receive all of the bids and whatever has to be eliminated in the plans will be done and it will not be a completed station. Selectman Dawson said when they are finished they will have what will be a functional police station that may have parts of the second floor which would be phase II but are not necessary to the operation of the police station. The Selectmen discussed having a public meeting for the public to have input regarding the new police station. The board reviewed the police station plans and Selectman LaPlante pointed out some of the concerns expressed by Pat Clark.

Selectman LaPlante does not feel it is anyone’s best interest to wait until March Town Meeting, the project needs to proceed. Selectman Dawson said once they have cost projections then they can have a public meeting.

Selectman Dawson announced that she did not acknowledge the Public Hearing at 6:45PM, so they are now in the Public Hearing for the acceptance of a gift valued at $5,000; it is a denotation of office furniture from Auto-Serve to the Town.

Selectman Cavanaugh thanked Pat Clark and Scott Davis for taking the time to write the letter and bring the information to the Selectmen and encourage them to be a part of the police station project.

Public Input: Vito who owns Anna’s Bakery on Main Street discussed the trash receptacles that are left on Main Street after the trash is picked up and the owners should be responsible for having the containers removed from the street. He does not want to have the trash cans lined up in front of his store. Vito also asked if there is anything that can be done regarding a property owner keeping scaffolding up on his building as there is ice building up on it and he is concerned that it will become a safety hazard. After the board discussed this Selectman LaPlante, who is also the Code Enforcement Officer suggested he call the State to make a formal complaint.
Selectman LaPlante also said he will look at the area tomorrow to see if it is a hazard. Selectman Dawson will also check the Trash Ordinance regarding the trash cans.

**Town Administrator, Joyce Fulweiler:**

The Town Administrator informed the Board she will need a non-public session. The Town Administrator had The Professional Services Agreement for the CDBG Grant reviewed by Donna Lane with the changes the Board made, and by the Finance Officer Time Pearson and Gloria Pariades from the Community Development Finance Authority. There is a new signature page for the board to sign. The Finance Officer Tim Pearson has signed it.

The Town Administrator discussed the e-mail she sent to the Board that she received from the Northfield Selectmen where they have outlined some topics for the next meeting with the Fire District on January 26, 2009. The Board discussed the topics and Selectman Dawson questioned why they want to specifically investigate response times to her home. Selectman Dawson said she is tired of being singled out by Kevin Waldron. If they want to discuss response times to East Tilton in general that is fine with her. Selectman Cavanaugh said he personally would like to know about the response time to the two Lancaster Hill fires and would like details on this. Selectman Dawson said the MRI report’s response times were supplied to them by the Fire District, the Fire Chief in particular. After much discussion the Selectmen asked the Town Administrator to send an e-mail to the Northfield Selectmen informing them that the Tilton Selectmen are only looking to do what is best for the residents and work with them. Selectmen Cavanaugh also suggested they remove items d & e (response times) from the proposed agenda. Selectman Dawson said she would like to know if they plan on addressing any of the inefficiencies identified in the MRI Report and would like to have a conversation on this. Selectman Cavanaugh said perhaps the question to discuss are there any of the 14 deficiencies they are willing to concede that this is an issue and are willing to move forward on.
The Town Administrator will draft these agenda items and send to the Board for their review.

The Town Administrator presented the proposed Warrant Articles for the Board’s review.

A letter from the Tanger Outlet Mall asking for suggestions for projects for Earth Day such as plantings for parks and clean up projects.

At 8:30PM Selectman Cavanaugh made a motion to go into non public session regarding (a) the dismissal, promotion or compensation of any public employee or the discipline of such employee, seconded by Selectman LaPlante. Selectman Wadleigh, yes, Selectman LaPlante, yes, Selectman Cavanaugh, yes, and Selectman Dawson, yes.

At 8:50PM the Board resumed their regular meeting.

Selectman Cavanaugh made a motion to seal the minutes of the nonpublic session, seconded by Selectman LaPlante. Selectman Dawson, yes, Selectman Wadleigh, yes, Selectman LaPlante, yes, and Selectman Cavanaugh, yes.

At 8:52PM Selectman LaPlante made a motion to adjourn the meeting, seconded by Selectman Cavanaugh. All were in favor.