Present from the Board: Selectman Katherine Dawson, Selectman Pat Consentino, Selectman David Wadleigh, Selectman Sandy Plessner, and Selectman Norm Boudreau.

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

Selectman Dawson called the meeting to order at 6:05PM.

Approval of Minutes of March 26, 2009: Selectman Dawson made a motion to accept the minutes of March 26, 2009 as written, seconded by Selectman Consentino. All were in favor.

The minutes of April 2, will be posted in draft.

Public Input: Selectman Dawson asked for public input at this time.

Bill Camire who owns Norm’s Autobody in Belmont and lives on Noyes Road in Tilton. Mr. Camire reported to the board that he is here this evening to discuss a ruling that was handed down by a previous board in May of 2007 regarding purchasing guidelines in support of local businesses. In November of 2007 a motion was made that the Town of Tilton uses Tilton based towing companies as their primary source for the Police Department. The primary company in Tilton has been Rusty’s Towing and they will be the primary for the Police Department. A letter was sent to Mike’s towing in Tilton asking if he would also like to be available for towing. Mr. Camire stated that he is a Tilton taxpayer and feels that as a taxpayer he should be allowed to be on the towing rotation system in town. Mr. Camire is asking the board to reopen this decision put it back the way it was for thirty years which is how long Mr. Camire’s towing Co. has been doing business in Tilton.

Selectman Wadleigh recalled this decision was the result of the Town of Belmont doing the same thing. After further discussion Selectman Dawson suggested they ask Chief Cormier for a list of towing companies that are available in town and discuss this at next weeks meeting. Selectman
Consentino stated that for the safety of the town they should have a back up company available if Rusty's is not. Selectman Dawson asked to have Rusty's notified that the board is considering this. Selectman Dawson said she will not be part of the decision making process as she is Rusty's landlord.

Pat Clark stated that it has been a month after Town Meeting and legality of the rescinding of the bond of Article #5. Also the issues of legal counsel, is this attorney/client or public information and what the resolution is. Pat said he has not read or heard of anything that this is illegal and would like to know what makes it illegal as this is what Selectman Dawson is quoted on in the newspapers. Pat said Selectman Dawson stated in the Echo and other papers that she found some legal information from legal counsel that indicated that the motion to rescind was illegal. Selectman Dawson stated that you cannot rescind the warrant article from 2008 that gave the Selectmen the authority to bond when they already bonded. Selectman Dawson said they are going to do this until they have an answer. The Selectmen have made it very clear and she agrees, they are not going to dismantle the committee that was formed. Her main concern is that the amendment and the warrant article together are telling the Selectmen to do something that was already done. Also, there was not enough money allowed them to pay back the debt that was incurred by the bonding. Selectman Dawson informed Pat the she has given the Department of Revenue Administration all of the information from town meeting and does not know whether or not they will make a decision. The Selectmen will discuss this later in the meeting. Pat asked if he could stay for this discussion. Selectmen said it is up to the board to decide, it is legal advice and it is up to the board whether or not they want to make it public or not. It is attorney/client.

The board agreed to continue the discussion regarding the warrant article. Selectman Dawson said it is attorney/client and asked the board if they want to discuss this in public session. The board agrees they need to discuss this in public. Selectman Plessner made a motion to make all of the Local Government information public, seconded by Selectman Consentino. All were in favor.

Selectman Dawson reported that she has been corresponding with Attorney Paul Sanderson from the LGC. Selectman Consentino discussed the letter
from Attorney Sanderson from the LGC who informed the Selectmen that the matter should be referred to counsel and the DRA to enable the Selectmen to get the best advice possible before moving to a decision. Selectman Dawson said that the main issue was addressed in the letter from Attorney Mitchell, was it a properly written warrant article. Was there too much in the amendment and not enough in the article itself. Selectman Dawson said they are waiting to hear from DRA and the decision they need to make is where do they go from here. Selectman Consentino said she had a conversation with Barbara Robinson today from DRA and although it is clearly an investigative process right now only, she sighted that not everyone on the board has this information. Ms. Robinson pointed out RSA 32:7 III which talks about lapse of appropriations which end of each fiscal year. Any unexpended portion, thereof, shall not be expended without further appropriations unless; the amount to be raised in whole or in part through the issuance of bonds or notes pursuant to RSA 33: in which case the appropriation unless rescinded shall not lapse until the fulfillment of the purpose or completion of the project being financed by the bonds or notes. Selectman Consentino said this information was just received and the board does not have copies of this as they have not looked into it yet. Selectman Dawson said the project was stopped by the article at town meeting, but the debt incurred under the authority to bond still exists. There are bills that exist that were not incurred after town meeting; they are pre town meeting bills. The issue is was it a properly warned article, Selectman Dawson does not believe it was, and can you rescind the authority to bond when you have already bonded, Selectman Dawson said she does not believe you can and thinks the RSA's state this.

Pat Clark asked the board what they are going to do and when will they know. Selectman Consentino said it is her opinion that the board reach some kind of agreement as it could get pretty expensive for the town. The voters spoke and it was very clear and definitive decision. If the issue is whether or not rescinding the bond is legal or illegal, they should try to the best of their ability to get this behind them and move on without it costing the town an enormous amount of money in legal fees. Selectman Dawson feels they have set a very bad precedent for every town in the State of NH to allow an illegal to take place at town meeting. Selectman Consentino also stated that they clearly have two legal opinions and they both say they are right.
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After much discussion Selectman Dawson asked the board where they should go from here; wait for DRA’s opinion. Selectman Boudreau said provided they receive the opinion before money is released and does not want to wait beyond the 24th of April which is in two weeks. The town administrator said DRA received the information Tuesday evening. Selectman Dawson said if they do not hear from DRA by Wednesday of next week they should be contacted. He board was in agreement.

Reports from Selectmen:
Selectman Wadleigh reported that Public Works Director Dennis Allen is back to work having been out for back surgery.

Selectman Boudreau reported he met with the Budget Committee last night and they are beginning to put their schedules together and will be meeting again next month.

Selectman Consentino reported that the Life Safety Building Committee met last night and discussed the letter they received from the Northfield Selectmen and voted they would respond to it. They have set their goals for some site selections and this will be their next step. Mike Robinson from the Fire Department will be making a presentation with response times in different areas in Northfield and Tilton to help guide them in the site selection process. Regarding their meeting schedule they decided that the first Tuesday and the fourth Wednesday would be okay to meet in the upstairs meeting room of town hall at 7:00PM.

Selectman Plessner reported to the board that she has just started working on the job descriptions with the Town Administrator. She asked the board if they would come up with a policy regarding the overtime so they have something in writing. Selectman Plessner said it has been suggested that they have a freeze on all overtime across the board for the time being due to the economy and budget constraints. Overtime would be granted for emergencies only and this would have to be approved by department head and/or the Selectmen. This includes the Police Department and the Highway
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Department, all town employees. Selectman Plessner said she is only suggesting this and has not had an opportunity to sit down and discuss this with the department heads.

Comments from the board. Selectman Boudreau agrees with this and feels this is a way of not having to give employees a day off without pay. Selectman Dawson asked Chief Cormier how this would affect his department if they had absolutely no overtime, except in an emergency. Chief said they have reduced overtime quite a bit already, it is basically only for emergencies and court cases but impossible to eliminate altogether. Selectman Dawson asked Dennis how this will affect the highway department if they say absolutely no overtime when his men are working at the transfer station on Saturday morning. Selectman Dawson said this is not considered an emergency but they are required to have that facility open by town meeting. They would have to put a caveat in the policy that would allow them to incur overtime at the transfer station. Dennis said each one of his men work one Saturday per month so they are on a rotating basis. Selectman Plessner will take all of this information into consideration preparing the overtime policy.

Liz Bedard and Jim Pressure from the COOP, Presentation on Single Stream Recycling.

Jim Pressure is the Director of the Concord Regional Solid Waste Resource Recovery Cooperative. Liz Bedard works as a consultant to the Cooperative. Mr. Pressure explained that Tilton is one of the original members of the 27 communities that formed the COOP in 1985. The town's tipping fees for solid waste has been between $37.00 per ton and this year we are paying $45.90 per ton.

Mr. Pressure explained what single stream recycling is:

- Allows all recyclable material to go into a single container.
- Will no longer need to separate containers and paper.
- It is more efficient, easier in the home and for businesses, less costly to collect and includes more materials (#1 through #7 plastics).
- Single Stream results in disposal cost savings, greater quantities of recyclables, and savings on operating and collection costs.
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Selectman Dawson said before a community decides to go with this they would really have to determine how to get rid of the trash that is not recyclable and deal with the recyclables and look at the cost. Pat Clark asked what would be the most cost effective way for the town to go with this. Ms. Bedard said to get the most recyclables you would have to pick them up curbside the same as trash at curbside. Ms. Bedard said according to the economic analysis they did it would be to the benefit of the town financially to go to curbside collection of recyclables. Public Works Dir., Dennis Allen said they have a 20 yd. container at the transfer station for recyclables that is transported about one and a half times per month. For cardboard there is a 40 yd. enclosed container that is transported about three times a year. There is also one for newspaper that is transported twice a year at 13 ton per trip. Mr. Pressure discussed the tipping fees that are presently $45.90 but expect them to increase to $60.00 to $65.00 per ton beginning in 2010. Mr. Pressure said their plan is to investigate the possible construction of a single stream facility of about $15 million dollars. They will need 25,000 tons on an annual basis to make this facility work economically. The facility will be publically owned; the COOP will own it and privately operated. They have purchased a 2 million dollar site off exit 17 right next to the waste energy facility. Mr. Pressure said right now they figure it would cost $30.00 per ton to deliver the materials, if you go to another facility it will cost $40 to $50 per ton and possibly more to get rid of recyclables. Mr. Pressure said they hope to be operating this time next year assuming everything goes forward. Mr. Pressure said the board needs to discuss this and if interested they need to get back to him with a letter of commitment by the end of May. Mr. Pressure said they exist for the taxpayers for the communities that they are representing and feel that this is going to be a real benefit for the whole state of New Hampshire. The Town Administrator asked to clarify that by the town agreeing to make this commitment it does not mean the town has to do mandatory recycling and make a lot of changes.

The board discussed a letter from Jim Cropsey regarding snow plowing. Dennis said the town had an agreement with Mr. Cropsey last year that Mr. Cropsey would be able to push his snow from Riverfront Place into the parking lot of Riverfront Park. Also if the parking lot filled up it would be
his responsibility to move the snow at his expense and also in the spring it would be Mr. Cropsey's responsibility to clean up any accumulated sand or debris that is located in the town of Tilton Riverfront Park Parking lot and the designated snow storage area.

Dennis discussed another letter from Mr. Cropsey asking if the town would be interested in plowing his facility. Dennis said they are not in business to plow private property so they would not be interested in doing this. After the board discussed this Selectman Boudreau made a motion to send Mr. Cropsey a letter informing him that the Selectmen are not interested in entering into this agreement, seconded by Selectman Plessner. All were in favor with the exception of Selectman Dawson who was not present at this time.

**Turner Group, Mr. Spiegel:** Mr. Spiegel addressed the board and stated that he would like the opportunity to work with the town and feels the new police station is a very nice project and regardless of where the building actually gets built or if it gets built they would like to be a part of that. Mr. Spiegel said after the purchase of the building they were asked to come in and do some support work, do an interior fit up plan. Mr. Spiegel said they have worked very closely with the police department and the building committee to realize their vision in a set of documents that could be executed by a design build process.

Selectman Dawson informed Mr. Spiegel that the Selectmen are not part of the decisions as to who will be used and what they will continue to do is the committee's decision not the Selectmen's. Selectman Dawson said the reason they asked Mr. Spiegel to attend tonight's meeting is to discuss the billing.

Selectman Consentino said it was her understanding that they were supposed to come in with a schedule of value as well for the project and a cost estimate from Connestco.

Selectman Consentino said the Selectboard did not feel that Turner did not one hundred percent complete their task so therefore, they made a decision not to one hundred percent fully pay them. Mr. Spiegel said he would like to clarify. He did not get the impression that the board was dissatisfied, he got the impression that they felt the quantity of the work was not equal to the billing that they invoiced. Mr. Spiegel said the money is not the issue
for them. He told the Finance Officer that the March bill was another $5,000 that put them at about 85% complete. The Finance Officer said according to the billing they are only 75% complete. Mr. Spiegel said he would agree with them at that point in time, yes, they are 75% complete and has no problems with this. Mr. Spiegel said he has no qualms or problem with this. If the board wants to pay them to that point in time and feel they are justified and do not want to pay them anymore that is their business. Mr. Spiegel said they care about the project and that is the most important and that is why they are here this evening and want to be architect for the Police building. Mr. Spiegel presented the drawings that show they are another ten percent further and wanted the board to see the set of plans.

Selectman Consentino informed Mr. Spiegel that she will the plans to the new Life Safety Committee and send a letter to the Chair of that committee regarding the contract. Mr. Spiegel said they would like the opportunity to meet with the new committee and see if there is an opportunity for them to help if they can.

**Town Administrator Joyce Fulweiler:**

Tuesday, April 28th, the board will meet with Attorney Puffer and Tilton School and Attorney Donovan. Joyce said right now it is for early morning and will inform the board when she has the exact time.

Joyce presented the junkyard license for Russell Drew’s renewal for the board to sign. The Building Inspector has walked the site and reported that it is in compliance. The fee for the license to operate a junkyard has been $25.00 and according to the law it cannot be more than $250 per year. After the board discussed this they agreed to send a letter to Mr. Drew informing him that the fee will increase to $50.00 per year starting next year to cover administrative costs.

Joyce presented various documents and exemptions for the board to sign.

Joyce presented a Memorandum to the Town Hall Staff regarding requests for Public Works Department Personnel for assistance at the town hall. Selectman Plessner made a motion to adopt the policy seconded by Selectman Dawson. All were in favor.
Joyce informed the board that she received two quotes from MacDurgin regarding a new copy machine. One is for a new copier and the other there are two leasing options. One is after leasing for 48 months to purchase for $1.00 and the other is called a Fair Market Value Purchase Option. The difference in price Joyce is recommending a new copier at this time and to obtain other quotes. Joyce will work on an RFP and other quotes and also inform the budget committee of this emergency expense as it was not budgeted for.

At 10:30PM Selectman Consentino 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 Boudreau. Selectman Wadleigh, yes, Selectman Boudreau, yes, Selectman Plessner, yes, Selectman Consentino, yes, and Selectman Dawson, yes.

At 10:40PM the board resumed their regular session. At this time Selectman Plessner made a motion to seal the minutes of the non public session, seconded by Selectman Consentino because divulgence of the information would likely affect adversely the reputation of any person other than a member of the body or agency itself, or until the matter has been resolved. Selectman Dawson, yes, Selectman Wadleigh, yes, Selectman Boudreau, yes, Selectman Consentino, yes, Selectman Plessner, yes.

Selectman made a motion to adjourn the meeting at 10:41PM, seconded by Selectman Dawson. All were in favor.