Selectmen’s meeting minutes of April 23, 2009

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

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

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

Approval of Minutes of April 4/9/09: Selectman Dawson made a motion to accept the minutes of April 9, 2009, seconded by Selectman Consentino. All were in favor.

Minutes of April 16, 2009: The board will review these minutes at the end of the meeting.

Public Input:

Ken Randall, Town Moderator discussed an e-mail to the LGC on 3/18/09, the subject being town meeting results. The e-mail was from the “Selectmen’s “ e-mail that the five Selectmen use, but it was sent from Selectman Dawson. Mr. Randall said part of the e-mail that was a concern of Selectman Dawson was the obvious bias of the Town Moderator at the Town Meeting. Mr. Randall stated that Selectman Dawson should have called for a point of order at Town Meeting if she felt he was being biased. Mr. Randall said he highly resents this being in an e-mail that was sent to the Local Government Center.

Selectman Dawson informed Mr. Randall that the e-mail sight is set up for all the Selectmen to use and this particular e-mail was from her. Selectman Dawson said this e-mail would typically not become a public document but the majority of the board wanted these topics to become public. This is a legal inquiry from her to an attorney obtaining legal advice; it was from her, not the rest of the Selectmen.

Regarding the point of order, Selectman Dawson said she did so at Town Meeting but apparently was not heard and she did not decided not to go any further with the point of order because she did feel there was an obvious bias and chose not to pursue that part of her conversation with the Local Government Center. Mr. Randall asked what information he was supposedly biased about at Town Meeting. Selectman Dawson said it was the decision the moderator made regarding which attorney’s advice they were going to follow. Selectman Dawson said she did not think that anyone in that room was qualified to make that decision and did not think that the moderator should make that decision. Mr. Randall said that he was in the position to go along with either the attorney for the town or the attorney for the particular article that was being presented. Mr.
Randall said he made the strong opinion that the opinion of Attorney Crean be taken and not the one of the Town Attorney. Mr. Randall stated that the board was asked if they were going to have an attorney at town meeting this year and they said no because they did not have the money in the budget for this expense and there is no reason for an attorney to be present. Mr. Randall said in the absence of an attorney at the town meeting he felt it was the duty of the moderator to make the decision as to which of the two attorney’s opinions would not be taken. Selectman Dawson said if she had had the hindsight and the knowledge of that amendment that was proposed at town meeting she would have had an attorney there. But not anticipating such an amendment, she for one would not have had one there. Selectman Dawson said it would seem that maybe Mr. Randall had information that the Selectmen did not to make that decision.

Mr. Randall stated that it was Selectman Dawson’s duty to keep standing up regarding the point of order until she was recognized and to bring it up at that time. Selectman Dawson said she would take this advice and probably should not have given up.

The next item Mr. Randall discussed was the Selectmen’s decision to have Mr. Randall pick a committee for recycling. Mr. Randall said if asked to help he would not turn it down, but would like to know what the charge is. Also there is no money for the committee to do anything. Mr. Randall would also like to talk to the Public Works Director Dennis Allen for his input regarding recycling. He would also like to visit neighboring towns to find out how they formed their recycling committee, the charge that was given to that committee and whether or not they were successful. Based on this information Mr. Randall said possibly he could work up a charge which he would then bring back to the Selectmen and ask if they agreed with it. If so, then he would attempt to find a certain number of people that would be willing to look at all of the recycling issues. Mr. Randall said all of these things would take time. Selectman Dawson said they should have an answer within the next couple of weeks as it is something they have to move on. Selectman Boudreau informed Mr. Randall that the board has in their packet this evening the letter of intent from the COOP to get involved in the Single Stream recycling.

**Finance Officer Tim Pearson:**

**Single Stream Agreement:**

Regarding the Single Stream Agreement the Finance Officer did review the agreement and the letter. The agreement (third revision) while extensive and restrictive, it has been in place for many years and the Town is currently bound by its provisions. The new commitment allows the Coop to borrow from an already build reserve and once it is making money the Coop will repay the reserve. The risk is if they have to borrow additional monies to make their project work over and above the reserve. The Coop has the ability to borrow money and commit its members, however, only to the extent to make this a viable concern. At this time, the Finance Officer sees no reason why the board should not commit to the project.
Police Grants: The Finance Officer reviewed the two grants Chief Cormier presented at last week’s meeting one for in-cruiser video and the other for laser-radar unit. There are standard grant applications and recommends the board sign them.

Bank Instructions: Regarding the drawdown and repayment of the loan was done today in the amount of $960,000 from the Police Building Construction loan, and later repaid $910,000 towards the $2,500,000 loan. The $50,000 will be credited to the Life Safety Building Committee for their use.

Turner: The March invoices were received from Turner and copies are in the Selectmen’s packets. The total March invoices are in the amount of $3,712.54. Turner’s original agreement was for $43,100 not including reimbursable expenses. His board of Selectmen’s letter dated 3/26/09 proposed an agreement of 75% of the full agreement amount or $32,325, against which was currently paid them $21,979.69 (not including the town’s deposit which remains on account in the amount of $2,000). At 75% complete, the town would owe Turner a check in the mount of $10,345.31 plus their reimbursable expenses of $470.82 for a total of $10,816.13. The Finance Officer asked the board how they would like to proceed in this matter. Selectman Dawson said the original contract was for $43,100 and what they actually billed the town, what is left of the agreement the town has with Turner for the Life Safety Committee to use. It would seem that the new committee would have to come up with a new agreement with them; they certainly would not be working under the original contract as what is left in that contract is the construction portion. The new committee is not charged with construction, it is charged with design, but Turner has completed the design portion of that agreement. Selectman Dawson asked under those terms, why keep the agreement open.

Selectman Consentino said if the new committee decides that they are at a point right now where there is a site selection and they have questions and need to turn to someone who has expertise there is going to be a process in which they will proceed to submit RFP’s. This is the intent of the Life Safety Building Committee. Selectman Consentino does not feel there is a necessity at this point to keep that contract open with Turner. Selectman Consentino said her personal opinion is that she does not believe that they should pay Turner 75%. The documents that Mr. Spiegel spent an hour and forty minutes on all had a date of 4/9/09, his work was supposed to be stopped on 3/16/09, therefore, they would not have been finished at that time. Selectman Dawson asked the board how they would like to proceed with the invoices.

Selectman Consentino said she personally does not feel they should pay Turner 75% of the full agreement, she thinks more along the lines of 60% and then terminate the agreement.

Selectman Wadleigh said he has mixed feelings. Selectman Boudreau feels they should live up to their end of the bargain by paying the 75%, but can deduct the $2,000.00.

Selectman Dawson is in agreement with everything Selectman Consentino stated, and agrees that 60% is generous on the board’s part.
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Selectman Plessner asked what it would cost to terminate the contract.

After further discussion Selectman Dawson made a motion to pay Turner 60% of the contract including the $2,000 deposit, seconded by Selectman Consentino.

Discussion: Selectman Boudreau said according to his calculations Turner would owe the town $120.00 out of the $2,000.00.

All were in favor of the motion, two with reservations.

After further discussion regarding the contract Selectman Consentino made a motion to terminate the Turner Agreement, seconded by Selectman Plessner. All were in favor.

At this time Selectman Boudreau asked to present a resolution and moved to have the board resolve when they enter into any agreement with any entity, contracts, etc., they not accept this kind of invoicing (Turner) they have to present detailed itemized invoice for the work performed for which the town is being billed, seconded by Selectman Dawson.

After further discussion Selectman Dawson suggested they make this Selectmen’s Policy. Selectman Boudreau changed his motion from a resolution to a policy, Selectman Dawson changed her second to the motion to change to policy. All were in favor.

Reports from Selectmen:

Selectman Consentino: Asked to have a letter of thanks sent to the Tilton School for the clean up work they did for Earth Day and also for the work they will be doing for seniors helping seniors on May 2nd. The board is in agreement and asked the Town Administrator to send the letters.

Selectman Consentino reported that she spoke to Chief Cormier regarding the 2008 delinquent dog license that were not pursued. The list has a few hundred names on the list and if the fines were collected it would have generated over $6,000 in income to the town. This information was presented to Chief Cormier. Residents have until April 30th to license their dogs and after that the Town Clerk and the Deputy Clerk will be issuing warrants soon after this date for 2009 for people who have not licensed their dogs. The board discussed having this information on the web site in addition to the reminder sent out by the town clerk. It is now up to the police department to issue the civil forfeiture.

An employee of the Trailmix Ice Cream Parlor on Main Street asked if it would be allowed to have music in the evening in front of their store as well as having tables outside. Selectman Consentino referred them to the Building Inspector. Selectman Dawson said there is a town ordinance regarding tables and benches on Main Street.

Selectman Boudreau said he was also approached by the Coffee and Tea Shop on Main Street regarding these same issues and he referred them to the Land Use Office. They have a free standing sandwich board sign practically in the middle of the walkway and Selectman Boudreau suggested they move it closer to the curb or up against the building so as not to receive complaints that it is in the middle of the walkway. Selectman Boudreau said this has since been moved to up against the building. Selectman Dawson
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asked Chief Cormier if Officers are patrolling downtown. Chief said they do on rotating shifts. Selectman Dawson asked to have the Chief familiarize the officers with the town ordinances pertaining to downtown as these ordinances need to be enforced. Selectman Dawson suggested they contact the Main Street Program and make them aware of these problems and let them know that these ordinances exist. Selectman Boudreau also mentioned to the Chief of a vehicle parked in the Pizza Parlor parking lot with flat tires for the past few months. He called the PD and it has since been removed.

Selectman Consentino reported that the new computer is in and the old one is back for the assessing department.

Selectman Plessner: Presented job descriptions for the board’s review and input that she and the Town Administrator have been working on. She would like to go over these at next weeks meeting and then sit down with the employees and go over the job description with each employee.

Regarding the non-public minutes Selectman Plessner has reviewed some of them and there are some that she feels can be made public and would like the board to review them. She would also like to start the changes to be made in the Selectmen’s area of the front office and having the doors installed for privacy in the Town Administrator’s office.

Selectmen Dawson: A discussion with the Town Clerk regarding the Hawkers and Peddlers Permit. The Town Clerk is asking the Selectmen to rewrite the application to make it a little more self explanatory. Someone came in to town hall to fill out an application and were surprised to see that they needed to comply with the State as well. It is a State law that if they are selling food they need a State License to apply for the town permit. This was not clear to the applicant or the town clerk as she is doing this as a courtesy to the Selectmen’s office as it is not a Town Clerk/Tax Collector’s job. Selectman Dawson said she has copies of permits from several towns and will put a draft together for the Selectmen’s review.

Town Administrator’s agenda items:

- The town administrator presented the commitment letter for Single Stream Recycling. Selectman Dawson made a motion for the board of Selectmen to sign the commitment letter for the Single Stream Recycling facility, seconded by Selectman Boudreau. All were in favor.
- On May 7th and 8th the town administrator and finance officer will be attending the NH Government Finance Officer’s Association Annual Conference. The finance officer will attend during the day and the town administrator will be there in the evening so she will not be at the Selectmen’s meeting on May 7th.
- Response from LGC regarding certificate of insurance for the Main Street Program. They need to provide the town with a certificate of insurance coverage and they also need to include naming the town as an additional insurer. The town administrator sent this to Vince Paratore of the Main Street Program.
- Vince Paratore will be talking with Mr. Sarno (back parking lot) on Monday.
The Life Safety Building Committee is meeting on the 1st Tuesday and the 4th Wednesday of the month. The meeting on May 5th is convening first on 61 Business Park Drive as there are members on the committee who have not seen the building. Once they tour the building they will meet at the town hall.

A letter sent to Chief Cormier from Mr. Lambert, D.O.T., regarding the review of Morrison Ave. The town administrator asked the board for permission to send a letter to the resident that had originally raised these issues. Selectman Boudreau made a motion to authorize the town administrator to prepare a letter for them to sign, seconded by Selectman Dawson. All were in favor. The board further discussed the letter from Mr. Lambert and Chief Cormier added that he would like to see more signs on Morrison Ave and have Mr. Lambert meet with him to further discuss this. At this time Selectman Boudreau withdrew his motion as did Selectman Consentino. The board does not agree with Mr. Lambert’s letter regarding eliminating parking spaces adjacent to a marked crosswalk. The board does not want to lose any parking spaces in town.

Chief Cormier informed the board that the Belknap County’s Sheriff’s Department is applying to the Burn Grant for Police Departments in the county to get money for equipment. They have to apply by May 18th and wanted the board to be aware of this grant. Chief Cormier said they will probably not find out until the summer if it is approved. If it is, they would be able to get some money for equipment for the cruisers. The allotment to the Tilton Police Department would be $19,780. The counties receive 10% for processing the application. A copy of the grant was given to the Finance Officer. Chief Cormier explained to the board that the county applies for this grant but he would have to let the Sheriff know if Tilton wants to be part of it. The board was in agreement.

Chief Cormier informed the board that Detectives Dawson and Buffington will be receiving the “Behind the Ticket” award. This award was first received by Officer Murphy last year. Chief Cormier said not every department in the State receives these awards only a select few throughout the State get them and it is rare that an agency receives this award two years in a row, but Tilton did. The awards to be presented to Detective Dawson and Detective Buffington will be in Concord on May 6th at noon at the Police Academy. They will receive the awards from the Director of Public Safety and the Attorney General Kelly Ayotte. This is relative to an arrest they made on September 18, 2008 where they stopped a vehicle for miss-use of power and loud exhaust and during the traffic stop they investigated and found 70 grams of cocaine and charged the driver with possession with intent to sell and other charges. Two weeks ago he pled guilty to those charges.

Chief Cormier reported that he had a meeting regarding the Special Olympics and the annual torch run will be coming through downtown Tilton on June 11th, around 11:00AM. NH Law Enforcement teams up with the Special Olympics to raise money so that the Special Olympians can compete every year, not only in the winter and summer games in New Hampshire but the national and international games as well. Chief Cormier also reported that on their new website they have the ability for people who would like to have elderly residents checked on, either by a phone call or by visit by the
police. Officer Weisensee will create a data base where they can Officers or Explorers go out and check on people or they can have dispatch make phone calls and if they do not answer they will follow-up with a visit.

Chief Cormier asked the board if it would be possible to use the town hall one evening for a program by the detectives for elderly people who are the victims of identify theft and fraud. They received several reports of this last year. They will offer transportation to citizens for this program and it will be published in the local newspapers. The Chief anyone can attend this presentation. The board is in agreement and asked the Chief to work with the town administrator coordinating the date and time.

Selectman Boudreau asked the Chief if he could check into obtaining hands free devices for cell phone in police cruisers. Selectman Boudreau said he has witnessed in the past two cruisers where the Officer was on a cell phone while driving. Chief Cormier said they do make systems for the cruisers so he will look into putting them in the cars.

Selectman Boudreau said he would also like this to apply to town owed vehicles when employees are driving not to be talking on a cell phone, to be policing themselves.

Selectman Dawson made a motion to go into non public session at 8:45PM regarding RSA 91 A-3 legal issues, seconded by Selectman Boudreau. Selectman Plessner, yes, Selectman Consentino, yes, Selectman Wadleigh, yes, Selectman Boudreau, yes, and Selectman Dawson, yes.

At (time) the board resumed their regular session.

At this time Selectman Dawson made a motion to seal both sessions of the non public meeting (d) & (e), until both matters have been resolved, seconded by Selectman Consentino. Selectman Boudreau, yes, Selectman Plessner, yes, Selectman Consentino, yes, Selectman Wadleigh, yes, Selectman Dawson, yes.

Selectman Plessner presented the two non public meeting minutes of January 15, 2009 and March 12, 2009 regarding the purchase of the Martin property. Both of these matters have been resolved. Selectman Consentino made a motion to unseal the minutes of 1/15/09 and 3/12/09, seconded by Selectman Plessner. All were in favor.

Selectman Consentino made a motion to adjourn at 9:20PM, seconded by Selectman Dawson. All were in favor.