Present from the Board: Chair Pat Consentino, Selectman Sandy Plessner, Selectman Katherine Dawson, Selectman Norm Boudreau, and Selectman Joseph Jesseman.

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

Chair Consentino called the meeting to order at 4:25PM.

Executive Director Maura Carroll, Merelise O’Connor, and Tammy Croft from LGC, Health Trust joined the meeting. They gave the Board an overview of the services they provide for the municipalities and what services the town of Tilton has with the Local Government Center. Tammy Croft discussed the Health Insurance plans on medical options. The under 100 pool that the town participates in was the highest of the entities in that pool and the overall came out at 12.8%. The town’s increase will vary on the specific plans that are offered to the employees. The bulk of the town’s employees are currently on the Matthew Thornton Program with the $5.00 office visit co-pay. This particular plan went up 10.1 percent. The prescription drug co-pay was changed a couple of years ago so. Tammy has alternative plan options for the Selectmen to review. The spreadsheet Tammy gave the Board shows the three plans the town offers. The indemnity plan is still offered but is closed out to the active employees. There is one person who has this plan that is grandfathered. The Point of Service Plan that is offered allows the employees flexibility, but is more expensive. Tammy explained another option that is new this year is a Site of Service Plans. This is an HMO platform which means employees can use their same physicians. There is a higher office co-pay which is $20.00 and a $40.00 co-pay for a specialist and a higher deductible of $1,000.00. After further discussion Chair Consentino said they have options to look at. One is to look at the current plan, have the employees either pick from the current plan or choose from another plan that is less expensive. Look at
what they are paying for co-pay insurance or look at an entirely different insurance. Tammy will get back to the Board with the MTB 10 prices and the percentage in prices in the difference in upgrade from last year to this year. Chair Consentino said as soon as they receive this information they can move forward in choosing an option. Chair said they have to do what is best for the employees and the residents of Tilton.

Approval of minutes of 9/15/2011 Selectman Plessner made a motion to approve the minutes of 9/15/2011 as corrected, seconded by Selectman Jesseman. All were in favor with the exception of Selectman Boudreau who abstained as he was not present.
Selectman Plessner made a motion to approve the minutes of 9/23/2011, as corrected, seconded by Selectman Jesseman. All were in favor with the exception of Selectman Boudreau who abstained as he was not present. Selectman Jesseman made a motion to approve the minutes of 9/22/2011 as corrected, seconded by Selectman Plessner. All were in favor.
Chair Consentino made a motion to approve the minutes of 10/24/2011 as written, seconded by Selectman Plessner. All were in favor with the exception of Selectman Boudreau who abstained as he was not present. Chair Consentino made a motion to accept the minutes of 10/31/2011 as written, seconded by Selectman Plessner. All were in favor with the exception of Selectman Boudreau who abstained as he was not present. Selectman Plessner made a motion to accept the minutes of 11/8/2011 as corrected, seconded by Selectman Jesseman. All were in favor with the exception of Selectman Boudreau who abstained as he was not present.

Chair Consentino made a motion to approve the non public minutes of 10/21/2011 and 11/1/2011, seconded by Selectman Dawson. After discussion the Board discussed corrections that are to be made to the non public minutes.
At 6:30PM Chair Consentino made a motion to go into non public session per RSA 91 A:3, personnel, seconded by Selectman Dawson. Selectman Jesseman, yes, Selectman Plessner, yes, Selectman Dawson, yes, Selectman Boudreau, yes, and Chair Consentino, yes.
At 6:35PM the Board resumed their regular session. At this time Selectman Jesseman made a motion to approve the minutes of the non public sessions for 10/21/11 and 11/1/11, as corrected, seconded by Selectman Dawson. All were in favor.

Selectman Jesseman made a motion to seal the minutes of 10/21/11 and 11/1/2011 permanently as they pertain to personnel matters, seconded by Selectman Dawson. Selectman Boudreau, yes, Selectman Plessner, yes, Selectman Dawson, yes, Selectman Jesseman, yes, and Chair Consentino, yes.

**Town Administrator Joyce Fulweiler Agenda Items:**

Joyce discussed the thermostat boxes at 61 Business park Drive from Air Works. The Board has not made a decision to purchase them. Selectman Dawson would like to be sure the thermostat boxes are tamper proof and would like to see the specs from Airworks.

Joyce reported she has contacted four plumbers to winterize 29 Beach Street and has received two estimates and is waiting for two more. Joyce talked to Dennis regarding snow storage at 61 Business Park Drive (parking lot) and he is in agreement. He will put hay bales around the catch basins.

Joyce reported on the Pine Street Culvert, Holden Engineering. No reimbursement received yet for construction inspection. Joyce sent a second request and was told that Peter was handling it. Selectman Dawson asked to have Dennis check into the date for the wear course and would like it done by May 16. The Board is in agreement to withhold Holden's retainage and have Dennis review Holden's punch list of items and discuss at next week's Selectmen's meeting.

The Board will be meeting on November 22, for their budget workshop and then continue with a Selectmen's meeting.

Joyce reminded the Board that on December 1st, at 7:00PM there will be a public meeting regarding speeding on Noyes Road. Chief Cormier will observe speeds and report on recommendations; get state to cut back the trees; install a merge sign. Notices will be sent to all residents of Noyes Road.
Personnel Policy-revisions; Changes recommended by Attorney Peter Phillips.

1. On page three of the manual, in the fourth paragraph, new language provides that “the Board of Selectmen may make exceptions to this policy on a case-by-case basis when there is a demonstrated need or special circumstance.” In the interests of clarity only, Mr. Phillips recommends that this sentence be inserted as the second sentence of the paragraph, so that the first sentence of the paragraph will serve as specific notice that the Town reserves the right to “change, revise, or eliminate any of the policies…” contained in the manual at any time.

Chair Consentino made a motion that they insert in the 4th paragraph on page 3 the language “the Board of Selectmen may make exceptions to this policy on a case-by-case basis when there is a demonstrated need or special circumstance, seconded by Selectman Plessner. All were on favor.

2. On page 8, under General Provisions; Section 1.3 “Equal Employment Opportunity” and specifically in the Town’s definition of “harassment”, Mr. Phillips recommends the word “or” be added to “and” in the first line, so that it will read as follows: “Harassment is verbal and/or physical conduct that denigrates or…”. Chair Consentino made a motion to add under the definition of harassment the word “or” be added to “and” in the first line so that it will read as follows: “Harassment is verbal and/or physical conduct that denigrates or…”, seconded by Selectman Plessner. All were in favor.

3. On page 10, in reference to Section 1.5, “Reporting Procedure for Sexual and Other Unlawful Harassment and Discrimination,” Mr. Phillips recommends that the Board consider appointment of a “Harassment and Discrimination Officer” to whom alleged victims of sexual or other unlawful harassment may report, rather than a department head, or the Board of Selectmen. This will more properly insulate the Board and other Town employees from involvement at the initial stage of the complaint process and increase the likelihood that individuals will be less afraid and more willing to come forward with their concerns. In this regard, I recommend inserting the following language as subparagraph 1 under Section 1.5:
“The Board shall establish and appoint a Town Human Rights Officer to receive reports or complaints regarding discrimination, sexual harassment and/or sexual violence. The Town shall conspicuously post the name of the Human Rights Officer, including a mailing address and telephone number, within its various workplaces:

Discussion: Selectman Dawson suggested they ask Chief Cormier if any of his Officers have this type of training. Chair Consentino suggests they table this particular item until they check with Chief Cormier and further discuss at Thursday’s Selectmen’s meeting.

4. On page 11, Section 2.1, “Employee Classification,” I recommend that the second sentence read as follows:

“Town employees who are at will, therefore, may resign from their employment at any time for any reason.”

In addition, the third sentence should read more appropriately as follows:

“Likewise, the Town may terminate the employment relationship of any such employees at any time, for any lawful reason.”

Chair Consentino made a motion to make that change, “Town Employees who are at will, therefore, may resign from their employment at any time for any reason.” And in addition to that the third sentence should read more appropriately as follows: “Likewise, the Town may terminate the employment relationship of any such employees at any time, for any lawful reason. On page 11, section 2.1 Employees Classification, seconded by Selectman Plessner.

Discussion: Selectman Boudreau asked if they had any town employees who are not at will. The Police Department is not at will, they are union. No further discussion. All were in favor of the motion.

5. On page 13, Section 3.3 “Work Week/Hours of Work,” a 2-hour minimum payment is established for employees who are called into work. Please note that pursuant to RSA 275:43-a, municipalities are excluded from application of the mandatory 2-hour minimum. While it is certainly within the town’s discretion to establish a 2-hour minimum payment, the law does not require it to do so.
Discussion: No change.
Selectman Boudreau made a motion to let section 3.3 on page 13 of the employee manual to stand as is, seconded by Selectman Jesseman. All were in favor.

6. On page 18, Section 4.3 “Family Medical Leaves of Absence,” Mr. Phillips notes that a reference is made so the 50-employee threshold for coverage under the Family Medical Leave Act (“FMLA”). Since this law applies to all public agencies, this reference is unnecessary and may be removed. Mr. Phillips therefore suggests deleting that wording from the paragraph so that it will read as follows:
“In order to be eligible to take FMLA leave, the employee must have worked for the Town for at least 12 months, and must have worked at least 1,250 hours in the preceding 12-month period.”

Also, in order to avoid any confusion regarding the use of paid time off while on FMLA leave, Mr. Phillips recommends replacing the third paragraph on page 18 with the following sentence: “The Town requires that FMLA leave, once designated, run concurrently with any accrued paid time off of the employee.”

Discussion: Chair Consentino said she thinks Attorney Phillips means it should be, replacing the third paragraph on page 19, not on page 18.

Chair Consentino made a motion to, on page 18, Section 4.3 “The Family Medical Leaves of Absence”, where reference is made to the 50 employee threshold for coverage under the Family Medical Leave Act (“FMLA”), motion to delete the wording from paragraph so that it will read as; In order to be eligible to take FMLA leave, the employee must have worked for the Town for at least 12 months, and must have worked at least 1,250 hours in the preceding 12-month period.”, seconded by Selectman Plessner. All were in favor.
Chair Consentino stated that she would like further clarification on the second part of Mr. Phillips recommendation. The Board agrees.

Joyce informed the Board that under “Status of Employee Benefits,” the word accrue was left out and needs to be added back in.
Selectman Dawson made a motion to add the word “accrue back into the paragraph, “Status of Employee Benefits”, the second line from the
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7. On page 28, Section 5.5 “Personal Dress,” language has recently been added that “facial piercings are prohibited.” Mr. Phillips recommends that the Town refrain from establishing such an outright ban, since such a restriction raises potential First Amendment/freedom of expression issues, and also simply because it may become unrealistic and difficult to enforce. Ultimately, the Town’s interests are less affected by facial piercings on a public works employee who has little or no direct contact with members of the public than on a clerk who works the front desk at the Town Hall. While the town may have a legitimate basis for limiting certain body piercings on some employees, in my opinion language already contained in Section 5.5 sufficiently protects the Town’s interests, where “employees are...required to dress in attire safe and appropriate for their position.” Mr. Phillips therefore recommends that the prohibition of all facial piercings be deleted from this section.

Selectman Jesseman made a motion to remove “facial piercings are prohibited,” seconded by Selectman Dawson. All were in favor with the exception of Chair Consentino who opposed.

8. On page 31, Section 5.13, “Progressive Discipline,” I strongly advise deletion of the second sentence of the third paragraph, which specifically reads, “In each instance, the disciplinary action will be for just cause and in proportion to the seriousness of the violation.” While this may be the desire and intent of the Town, the town should not otherwise feel compelled to impose upon itself the “just cause” standard. This is the highest standard of job protection and the Town does not have to do so. Even though other provisions within the manual clearly establish that employees are employed on a “at-will” basis, Mr. Phillips is concerned that by including this standard of job security in the manual could lead to claims being made to the contrary against the Town in the future. This may be an overly conservative perception on my part, but it simply is not necessary to create confusion amongst employees, who despite being “at-will,” would also have “just cause” job protection under this wording. Mr. Phillips recommends adding the phrase “Depending upon the severity of the infraction,” to the last sentence.
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of paragraph 3 on page 30, so that it will read as follows: "Depending upon the severity of the infraction, the Town may or may not graduate through the four types of discipline”.

Chair Consentino made a motion to remove the second sentence, third paragraph under 5.13 “Progressive Discipline,” in each instance the disciplinary action taken will be for just cause and in proportion to the seriousness of the violation, seconded by Selectman Dawson. All were in favor.

Selectman Dawson made a motion to add “Depending upon the severity of the infraction,” to the last sentence in paragraph 3 of Section 5.13 on page 31, seconded by Selectman Plessner. All were in favor.

9. On page 36, Section 7.4, the "Email, Computer, Technology and Telephonic Communications" policy is well written and comprehensive. However, it is currently contained under Section VII, “Separation from Employment.”

Selectman Dawson made a motion to make “Email, Computer, technology and Telephonic Communications” in Section 8, seconded by Selectman Plessner. All were in favor.

10. On page 39, the Town’s Receipt and Acknowledgement Form” is well written and appropriate. However, one concern I have is in paragraph 3, which on its face appears to conflict with provisions of the police union contract. As you may recall, under that agreement the Town must have “just cause” in order to terminate or discipline officers. Accordingly, the last sentence in this paragraph should be amended to include “collective bargaining agreement,” so that it will read as follows: “In turn, I acknowledge that the Town has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements, or collective bargaining agreement, if applicable.”

Chair Consentino made a motion to add “Collective Bargaining Agreement, paragraph 3, page 39, under “Receipt and Acknowledgement”, seconded by Selectman Jesseman. All were in favor.
Joyce suggested to the Selectmen they take the Insurance buy back provision that is in our collective bargaining agreement and have that brought in to replace what is in our Personnel Policy. After the Board discussed this they were in agreement.

Chair Consentino made a motion to insert the Collective Bargaining Agreement language for Insurance buy back option into the Personnel Manual Policy, seconded by Selectman Plessner. All were in favor with the exception of Selectman Jesseman who opposed.

Reports from Selectmen:

Selectman Plessner reported that the Planning Board met and made motions to encumber money and to enter into a contract with Lakes Region Planning regarding the Highway Impact Fees. They have finalized the final payment for the Police Department Impact Fees. They voted to encumber the unexpended funds from the 2011 Budget in the amount of $5,874.00 to be spent in 2012. They have notified LRPC to prepare a contract for signatures before 12/31/11. The Selectmen will need to approve and sign the contract as well. The contract with LRPC is $5,577.00 the remaining amount is for legal review by the town's attorney of $297.00.

Selectman Plessner discussed the lateness of the Selectmen's meetings. They started meeting at 4:30PM to eliminate staying so late. Selectman Plessner suggests after two hours into the meeting they review the agenda and prioritize what is on the agenda and adjourn the meeting between 8:00PM and 8:30PM.

Chair Consentino reported that Home Depot has been at the Grange installing the kitchen from the grant they received. Sewer is being connected tomorrow and the rest of the electricity in the next week or two. Chair Consentino informed the Board that there are a couple of issues that have come up: one is there is a huge dead tree right next to the main path in front of the out building on the left that is consistently dropping dead limbs that are quite large. The tree really needs to come down as it is a danger and it is on town property. There is another tree leaning into the Grange touching the electric wires. Chair Consentino would like to have these two trees removed as they are liability issues.

Chair Consentino reported that she attended the Tuesday's Planning Board meeting and most of the Selectmen were also there. Mr. Bernard an abutter
to the Grange property was at the meeting and started off by saying the Selectmen have seen this plan before and have approved it. Chair Consentino stated that the Board of Selectmen have not approved it. Chair Consentino said she is not in favor of allowing an easement in the back of the Grange. After the Board discussed this Chair Consentino made a motion to deny Mr. Bernard’s request for easement for the roadway in the back corner of the Grange only, the Selectmen will entertain any other proposals Mr. Bernard may have other than a roadway easement, seconded by Selectman Dawson. A Discussion: Chair Consentino said her motion does not include the front piece that Mr. Bernard is considering going to the Conservation Commission and would rather wait they hear what the Conservation Commission has to say and what DES permits he will have to obtain. Chair Consentino stated they also have to address the problem of snow removal. The Selectmen will talk to Public Works Dir., Dennis Allen regarding this issue at next weeks meeting.

Selectman Dawson discussed the work that has to be done on the Island. The Parks Commission have put in their budget, approximately $500.00 to do arbor work on the Island but this only represents half of it. They need to convey this information to the town of Northfield that this work has to be done. They also have not received an end of the year report from Public Works Director, Dennis Allen on the needs of the Island so they can budget for them. Selectman Dawson informed the Board that at the Budget Committee meeting the Visiting Nurse Association would like to have a member from Tilton on their Board. Selectman Dawson reported that she met with some representatives from the State Conservation about the vacant lot at 61 Business Park Drive. They are going to look at the property and let us know what the soils are there and map the wetlands as well.

Selectman Jesseman reported that he attended a RCC Standards Committee Meeting for the Volunteer Drivers Program and they discussed making the standards a lot less complicated. Hopefully by the end of December they will have a working program.
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Selectman Jesseman reported that he attended the Northeast Resource Recovery Association annual meeting. The Town of Tilton received a check in the amount of $808.70 which is a rebate for electronics that the Public Works Dept., took in to be recycled.

Chair Consentino discussed the purchase of Christmas wreaths for the town hall. After discussion Chair Consentino made a motion to purchase five wreaths from the Rainbow girls in the amount of $100.00, seconded by Selectman Dawson. All were in favor.

At 9:25PM Chair Consentino made a motion to enter into non public session as per RSA91 A:3 (d) consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, and (c) personnel, seconded by Selectman Boudreau. Selectman Dawson, yes, Selectman Plessner, yes, Selectman Boudreau, yes, Selectman Jesseman, yes, and Chair Consentino, yes.

At 9:35PM the Board resumed their regular session. Selectman Plessner made a motion to seal the minutes of the non public session regarding properties until the matters are resolved and the personnel matter permanently as it pertains to an employee, seconded by Selectman Boudreau. Selectman Dawson, yes, Selectman Plessner, yes, Selectman Boudreau, yes, Selectman Jesseman, yes, and Chair Consentino, yes.

At 9:37PM Selectman Plessner made a motion to adjourn the meeting, seconded by Selectman Jesseman. All were in favor.