Selectmen’s meeting minutes of March 29, 2012.

Present from the Board: Chair Pat Consentino, Selectman Sandy Plessner, Selectman Katherine Dawson, and Selectman Al LaPlante. Selectman Joseph Jesseman was not present.

Also present: Town Administrator Joyce Fulweiler, and Secretary Catherine Woessner.
Others present: Lt. Ryan Martin, Officer Chris Paquette, Jane Alden, Chair of the Planning Board, and Tom Gallant.

Chair Consentino called the meeting to order at 4:35PM. At this time Chair Consentino made a motion to enter into non public session as per RSA 91-A:3, (e) consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his or her membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled, seconded by Selectman Plessner. Selectman LaPlante, yes, Selectman Dawson, yes, Chair Consentino, yes, and Selectman Plessner, yes.
At 4:56PM the Board resumed their regular session.
Chair Consentino made a motion to seal the minutes of the non public session as they pertain to legal issues until the matter is resolved, seconded by Selectman Dawson. Selectman LaPlante, yes, Selectman Plessner, yes, Selectman Dawson, yes, and Chair Consentino, yes.
Chair Consentino made a motion to obtain the services of legal counsel in matters of legal issues, seconded by Selectman Dawson. All were in favor.

Approval of minutes of February 2, 2012 and non public minutes of February 2, 2012.
Selectmen’s meeting minutes of 3/29/2012

Selectman Plessner made a motion to approve the minutes of February 2, 2012 as corrected, seconded by Selectman Dawson. All were in favor with the exception of Selectman LaPlante who abstained.

Lt. Martin joined the meeting and presented copies of the speed limit signs in town for the Board’s review. Lt. Martin presented the Highway Safety Grant for the Board to sign. Chair Consentino made a motion to submit the application for Highway Safety Project Grant for 2012 for sobriety check points, seconded by Selectman Plessner. All were in favor.

Chair Consentino informed Lt. Martin that the Board has enforcement issues to discuss. One of the issues is the Parking Ordinance, it has to be enforced. Selectman Dawson stated that for the past few weeks the same person has violated the ordinance and has not been ticketed for the violations. Selectman Dawson said there needs to be some patrolling done. Lt. Martin said he will inform the Officers to check the parking lots again.

Chair Consentino informed Lt. Martin that recently there was a vehicle parked for two days on Main Street by the river, he was selling his vehicle. This was in Municipal Parking with a 4 hour maximum. There are merchants downtown that are parking in the Municipal parking area with no stickers and people are complaining to the Selectmen that this is not being enforced. Selectman LaPlante discussed the dates on the parking permits and feels if a resident purchased a permit in December of 2012 then it would need to be renewed in December of 2013, a yearly cycle. Chair Consentino said they need to either number them differently or color them differently. The Selectmen said this was discussed and they have talked about pro rating it to be fair. There was discussion regarding utilizing the present part time Officers for patrolling the Municipal parking lots and Main Street.

Chair Consentino made a motion to accept a donation for the Tilton Senior Center in the amount of $100.00 from Mr. & Mrs. Salley, seconded by Selectman Plessner. All were in favor.

The Board discussed appointments and reappointments to the various Boards and Committees and the need to have proper procedure in place.
Under the recommendation of the Conservation Commission, Chair Consentino made a motion to appoint Paul Rushlow for a three year term as a full member, and Ben Wadleigh as a full member, and continue three year term for alternate one, Kathi Mitchell, and alternate two, Jim Cropsey, seconded by Selectman LaPlante. All were in favor.

The Board discussed Zoning Board of Adjustment appointments. They will have a special meeting on April 3rd, for the appointments. Selectman Plessner said they have a full Board but do not have an alternate. Selectman Dawson suggested they ask Norm Boudreau if he would like to be the alternate. Norm was asked but declined as he is going to serve on the Planning Board.

In discussion regarding the CHAT Committee appointments Selectman Dawson suggested they may want to create an Executive Committee that makes decisions as to what goes on with the committee and the Senior Center. Joyce said they can have more than five members and the Selectman as ex-officio who is now serving as a life member of the committee. Chair Consentino said CHAT will create the executive committee and bring this back to the Board of Selectmen.

Chair Consentino read a letter from Jane Alden, Chair of the Planning Board; Please consider appointment of Normand Boudreau and Judy Tilton to the Planning Board as full members. We have discussed this and all of the Board members are in favor. Please consider Elaine Grace from alternate to full member and re-appoint Bob Haberman as an alternate member per his request. The Board's recommendation not to reappoint member #5 to the planning board is due to his four month absence each year which has made it difficult for the Board to have a quorum in order to conduct business. Chair Consentino stated that she has a lot of difficulty with the appointments to the Planning and Zoning Boards. There was discussion regarding how these appointments were made. Selectman Plessner said she is not sure what they did wrong. Selectman Dawson said it was inappropriate to have gone into non public session to discuss appointments. Selectman Plessner said their mistake was that they should have made a motion to enter into non public session as per RSA 91-A:3 that was their mistake.
Selectman Dawson said because they did not do this it does not matter if they turned the tape off or not, because they did not, that conversation is public and the minutes now have to reflect that conversation. It was not a non public session. The official record of that meeting are the minutes, not the tape. Chair Consentino asked how they would handle a situation where there is a member who has a reappointment and the Board is recommending to the Selectmen that he not be re-appointed. Selectman Dawson thinks because they are discussing someone's term that has expired, so therefore thinks he would not be considered a member of the Board until it is a re-appointment. they would not have to go through the formal process that you would have to when dismissing a member. Selectman Plessner read from the March Town & City Publication where the question was asked "well, then, if we want to get rid of somebody, I assume there's no risk if we simply wait for the person's term to expire and then appoint someone else. The answer, In general, that is a safe way to proceed. However, it can be more complicated. It site's case law that indicated that it can be a violation of an appointed official's First Amendment right to speak out on matters of public concern if a decision not to reappoint the official is based on the official's public opposition to, and criticism of, municipal policies. Selectman Plessner said this was not the issue. The member's term was up and the Board recommended not to reappoint him. The issue was attendance.

Chair Consentino made a motion to appoint Judy Tilton and Norm Boudreau as full members to the Planning Board with their term ending in 2014, seconded by Selectman Dawson. All were in favor with the exception of Selectman LaPlante. Selectman LaPlante was in favor of Judy Tilton, but not Norm Boudreau as he feels Mr. Boudreau would be better served on the Zoning Board of Adjustment.

Chair Consentino made a motion to appoint alternate #1 to a full member, replacing member #4, making #4 an alternate one on the Planning Board, seconded by Selectman Plessner. All were in favor.
The Selectmen will send a letter to the Planning Board member not being re-re-appointed.
Joyce informed the Board that tomorrow the Rte. 140 corridor study of Belmont, Tilton, and Northfield will be held in Belmont from 1 to 3pm. There will be an Operating Committee meeting of the Concord Regional Solid Waste Resource Recovery Cooperative. Selectman Jesseman is out of town. Dennis Allen, Public Works Dir., is the designated voting representative. The meeting is April 5th at 1pm at the Local Government Center.

Joyce reported that she and Johanna Ames, Sewer Dept., and Selectman Dawson have been working on a letter to be mailed to the individuals in the Betterment Project. The Selectmen's office has been receiving phone calls and there is also a letter from a resident regarding the warrant article passed at town meeting. Joyce gave the Selectmen copies of the draft for their review. After the Board reviewed the draft, they made some changes; Joyce will present another draft for the Board's review.

Joyce reported that Mr. Peverly would like to hold an open house on Saturday.

Joyce presented the purchase and sales agreement from Mr. Peverly for the auction. The changes are in the contingent agreement and will go into the purchase and sales agreement.

Joyce presented the intent to cut forms for George Hast. On the lots that are listed there are no taxes due. In the past when the town has required intent to cut bonds, if taxes were due the town required a bond. After discussion, Chair Consentino made motion to accept the intent to cut contingent on a bond being posted in the amount of $4,951.00, seconded by Selectman LaPlante. All were in favor.

Joyce reported that all of the fire extinguishers have been inspected for all of the town buildings, police and highway vehicles. The ones in 61 Business Park Drive needed to be replaced. This was an unanticipated expense of $310.00. Joyce suggested they create an additional Board liaison position for 61 Business Park Drive and asked the Board to appoint Selectman Al LaPlante. He could check the building at least once a week to be sure it is properly monitored.
Selectmen’s meeting minutes of 3/29/2012.

Selectman Dawson made a motion to appoint Selectman Al LaPlante as liaison to 61 Business Park Drive, seconded by Selectman Plessner. All were in favor.

Joyce informed the Board of the request from the American Legion asking permission to put a break in the bridge railing (Cannon Bridge) so they can easily take care of the Veteran’s Monument they are putting in on the other side of Cannon Bridge. Joyce said this is two town projects because both towns own the Bridge. Northfield Town Administrator Glen Smith contacted Department of Transportation Nancy Mayville and she said she will forward this information to the NH D.O.T., Bridge design and to the Community Assistance Bridge Engineer. Ms. Mayville’s preliminary reaction is that they strongly recommend against a break in the bridge approach rail. She believes this will compromise the required crash worthiness of the rail since the gate would not be crash worthy and would allow vehicles to go through. Also, where the gate would connect to the rail would end up acting as blunt ends. As owners of the bridge you would assume liability for anything that happens as a result of the compromised rail.

Selectman Dawson said she also spoke to someone at D.O.T., and they said it would definitely weaken the span and does not recommending doing this; also the liability would be huge. Selectman Dawson made a motion that the Tilton Board of selectmen send the Northfield Board of Selectmen a letter informing them that they do not agree to having the rail cut and weakened by installing a gate, seconded by Selectman LaPlante. All were in favor.

Chair Consentino read the Selectmen’s policy regarding designated town hall key holders. Chair Consentino informed the Board that the Planning Board Chairman asked to have access to the Planning Board office as she comes in during the evening to use the office. This has not been a past practice to give the office keys out. They are issued a key to the town hall only. The question was raised regarding the ZBA Chair having a key to the office as well. The Board discussed this and agreed the Chair of the Planning Board should contact the Land Use secretary and let her know what she needs and it will be ready for her at a specific time.
Selectman Plessner suggested they put a basket in the copy room to keep the material the Chair of the Planning Board has requested.

Selectman Dawson asked to make an amendment to the Selectmen’s Policy. When this policy was written the Code Enforcement Officer was in charge of the keys but that responsibility has been changed. Selectman Dawson made a motion that they change the policy to read “issuance and control of said keys shall be the sole responsibility of the Administrative Assistant,” seconded by Chair Consentino. All were in favor.

Chair Consentino discussed the driveway permit for the Winnisquam Development, Laconia Road for access for subdivision, an 86 unit condominium. Selectman Dawson suggests they send a letter to the Department of Transportation to inform them that Winnisquam Development has not applied for a driveway permit to access the town’s road.

Chair Consentino discussed Mango Security at the Grange Hall. Chair Consentino said that the employees have made out the forms that said, in the event the alarm goes off, the first person to be called would be Pat Consentino, second person would be Katherine Dawson. This past weekend Chair Consentino received calls that have been dispatched to Police Officers; they did not call her first. Mango is called the phone line at the Grange and no answer so they called the police. There is no phone hooked up at the grange even though there is a phone line. Chair Consentino said that Mango is sending the town a change and should not be charging the town as it is not a change, it is the same procedure they have had in place all along. The Board will review all of the information to see if there are any corrections to be made.

The Board discussed the Personal Action Report from the Sewer Commissioners for one of their employees. It is not signed by the Sewer Commissioners. The Sewer Dept., secretary said the approval is in their minutes and she will provide a copy for the Selectmen. The Board would like to have the Sewer Commissioners sign the P.A.R., and also provide a copy of the minutes.
Selectman Dawson asked to discuss the Internal Control Issue in the Finance Officer's report. Tim wanted to bring to the Board's attention that due to the relationship of some of the Boards and Commissions in the Town, some are permitted to enter into binding contracts which could create a future financial liability for the Town which the Board of Selectmen would then have to deal with. Selectman Dawson asked who in town has the ability to enter into contract agreements beside the Selectmen. The Conservation Commission can purchase property as they have their own funds and have to go through the proper procedure. Joyce said the Planning Board can enter into contracts, but the Selectmen also have to sign it. The same with the ZBA. they can hire employees and consultants but none of that can be done without the approval of the Selectmen. The Parks Commission also has their own funds but cannot enter into a contract or hiring unless approved by the Board of Selectmen. Joyce said there is a policy and letters have gone out to all the Boards and Commissions that they have to follow the Selectmen's purchasing policy. After discussion it was agreed to send letters out reminding the Board's and Commissions have to follow the Selectmen's purchasing policy and also follow the hiring procedure for vendors and employees. It is also each department's responsibility to get the W-9 form from any vendor. Selectman Dawson asked to have all of the Boards and Commissions acknowledge they have received the letter. The Board is in agreement.

**Reports from Selectmen:**

Selectman Dawson asked the Board if they wanted to entertain joining a lawsuit with other communities for the redistricting plan. Chair Consentino stated that it may work to their disadvantage if they are in a redistricting plan with other towns and cities and they go along with their plan because it provides a better positive outcome for them. The Board will further discuss this.

Selectman Dawson reported she has received her response back from the Local Government Center regarding indemnifying Boards and Committees. Selectman Dawson stated she would like to make a motion for discussion: to vote to indemnify and save harmless for loss or damage, any person employed
by the Town of Tilton and any member or officer of its governing body, administrative staff or agencies including but not limited to Selectmen, Town Health Officer, Overseers of Public Welfare, from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage, or destruction was acting in the scope of employment or office, seconded by Chair Consentino. Discussion: Selectman Dawson said this came directly from the Local Government Center and they recommend the Selectmen doing this periodically. All were in favor.

Chair Consentino discussed the current hours of the transfer station and would like to discuss extending the hours on Saturday and possible open on Sunday. Selectman Dawson would also like to open up discussions with Northfield again with working with them on their recycling operations. Selectman Dawson asked if they should discuss with the Bestway facility on Rte. 140 to see if there is a program available for our residents to recycle there.

The Board discussed extending the hours at the garage. Discussion: The Board discussed having the transfer station open all day on Saturday or spreading the hours Sunday. After further discussion the Board agreed with opening all day on Saturday and closed on Sunday. Selectman Dawson made a motion to change the hours at the transfer station to Saturday from 8am to 4pm. Wednesday hours will remain the same from 1 to 3pm., seconded by Chair Consentino. All were in favor with the exception of Selectman LaPlante who opposed. This will become effective April 14, 2012.

At 8:10PM Chair Consentino made a motion to enter into non public session as per RSA 91-A:3 (e) consideration or negotiation of pending claims or litigation which ha been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his or membership in such body or agency, until the claim or litigation has
been fully adjudicated or otherwise settled, seconded by Selectman Plessner. Selectman Dawson, yes, Selectman LaPlante, yes, Selectman Plessner, yes, Chairman Consentino, yes.

The Board resumed their regular session at 8:20PM. Selectman Dawson made a motion to seal the minutes of the non public session as they pertain to legal issues until the issues have been resolved, seconded by Selectman LaPlante. Selectman Plessner, yes, Chair Consentino, yes, Selectman LaPlante, yes, Selectman Dawson, yes.

At 8:21PM Selectman Plessner made a motion to adjourn, seconded by Selectman LaPlante. All were in favor.