



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
May 16, 2016

Selectmen Present: Susan Silverman, Chris Holman, Nancy Carney arrived at 7:45 p.m.

Ms. Silverman called the meeting to order at 7 p.m.

PRIMARY:

*** **APPROVE MINUTES** - The Selectmen will review and approve at next week's meeting.

*** **APPROVE MANIFESTS**

Mr. Holman made a motion to approve the manifests. Ms. Silverman seconded. Mr. Holman - Yes, Ms. Silverman - Yes.
Approved – 2-0

*** **REVIEW SIGNATURE FOLDER** – The Selectmen reviewed and signed.

*** **ACCEPTANCE OF RECREATION DONATION**

Ms. Silverman shared that a \$300 donation for the fishing derby had been received from the Gap Mountain Lions Club.

Ms. Carney approved receipt of the donation. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman – recused himself, Ms. Silverman - Yes. Approved – 2-0

*** **CONSTRUCTION PERMIT**

- **Map 7, Lot 31-1**
- **Map 8, Lot 30-1**

Map 7, Lot 31-1 – Mr. Holman made a motion to approve the permit for Map 7, Lot 31-1. Ms. Silverman seconded. Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

Map 8, Lot 30-1 – Mr. Holman made a motion to approve the permit for Map 8, Lot 30-1. Ms. Silverman seconded. Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

7:30 MEET WITH CHIEF DISALVO

- **Complaint**
- **Personnel Matter**

At 7:59 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(c). Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 8:00 p.m. Ms. Silverman made a motion to leave non-public session. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

Chief Leonard DiSalvo asked about recording the non-public minutes. Chief DiSalvo showed Ms. Favreau the NHMA information about recording. Chief DiSalvo asked about the wording in the memo he received. Ms. Favreau stated that the non-public minutes were sealed and were not open for public inspection. The Selectmen reviewed the NHMA information and Ms. Silverman stated the purpose was to protect a person's reputation and to allow a full discussion. Ms. Favreau stated that Chief DiSalvo was not held to the RSA as the Selectmen were but as an employee it could be looked at as a confidentiality issue. Chief DiSalvo stated that he wanted to record the non-public minutes and he questioned the RSA. Mr. Holman wanted to check on the legality and whether or not Chief DiSalvo was here as a member of the public or an employee. Chief DiSalvo

stated the memo reflected that he was a member of the public. Ms. Silverman stated that the Selectmen were not attorneys and they rely on the RSA and if he wanted an answer about recording, they could call NHMA.

Ms. Silverman reported that she received a complaint from Barbara Domingue of Bowkerville Road regarding an incident in April with J&J Auto. Ms. Silverman shared that Ms. Domingue had called J&J Auto about reimbursement for the damage the driver had done to 2 mailboxes and a sentinel box. Chief DiSalvo stated that he had talked with Ms. Domingue's husband Greg and the owner had replaced the boxes himself and they have been compensated for the damage. Ms. Silverman shared that when Ms. Domingue contacted her, they hadn't been reimbursed. Ms. Domingue complained about speeding as well. Ms. Silverman stated that if the accident complaint had been resolved that it was fine. Ms. Silverman asked about the speeding incident, which she had heard before and suggested that Chief DiSalvo follow up with Ms. Domingue. Chief DiSalvo stated that he would contact Ms. Domingue.

At 8:15 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(c). Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.
At 8:29 p.m. Mr. Holman made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

Chief DiSalvo reported that Dan Moore and Austin Fuller had graduated from the academy. They were each working 2 shifts and things were good so far. Ms. Favreau asked if the new cruiser had been ordered. Chief DiSalvo stated that it had been ordered and should be ready in a month. Chief DiSalvo shared that the old cruiser was structural sound but the fenders were rusting out but it was safe. Ms. Silverman asked for an updated schedule, which Chief DiSalvo provided. Ms. Silverman stated that she was hoping to get an updated schedule when it changed and asked for a simplified version of the police department logs and general duties. Chief DiSalvo asked if calls for service. Mr. Holman stated it was good to know what the police officers were good with. Ms. Carney shared that they have a great police force.

Chief DiSalvo asked if the mailbox incident was the only complaint and asked Ms. Favreau about their earlier conversation. Ms. Carney stated they were all set. Mr. Holman asked about the Memorial Day parade route. Ms. Carney explained the route and shared that the parade started at 8.

Ms. Silverman mentioned having more involvement in the community. Chief DiSalvo stated that he got the memo and shared that the police department was at every event. Ms. Silverman asked if Chief DiSalvo had been to the school and he stated that they have been around.

The Selectmen thanked Chief DiSalvo for adjusting his schedule and for meeting with them.

7:45 MEET WITH NICK NOYES, LIBRARY TRUSTEE
Re: Legal Costs

Ms. Favreau shared that the legal fees totaled \$36,156.98 and that the Library had budgeted \$30,000.

Mr. Holman made a motion to pay the Library's legal bill for anything expended over the \$30,000 from the town's legal budget. Ms. Silverman seconded. Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

Nick Noyes and Barbara Green met with the Selectmen to discuss the Library's legal fees. Mr. Noyes shared that the Library had a victory. Mr. Noyes asked the Selectmen about being over budget with their legal fees. Ms. Silverman shared that the Selectmen voted to pay the overage from the town's legal budget. Mr. Noyes reported that Attorney Steve Gordon was thinking about filing a motion to reconsider the cost of litigation and maybe ask for a split and that he has another 20 days to file. Ms. Favreau asked if Mr. Noyes had an estimate of the cost to do that.

At 7:43 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(e). Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.
At 7:53 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Holman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

Mr. Holman asked Mr. Noyes about the newspaper article, which Mr. Noyes thought might be off. Mr. Noyes stated that items might have gone to the dump and the dates of the map and bible were switched.

Ms. Silverman shared that the Selectmen were working on an agenda for their meeting with the Library Trustees and Budget Committee and would send it to the Library Trustees well before the meeting. Mr. Noyes stated everyone was working towards the same goals. Ms. Silverman asked if something wasn't listed on the agenda to let them know so it could be added. Mr. Holman asked about the goals in the 5 year plan – working with the Selectmen. Mr. Holman wanted to know their thoughts on that. Ms. Green stated the budget discussion was a part of that and improving communication. Ms. Silverman asked Mr. Noyes to let them know if there was another topic they wanted to discuss.

*** **REVIEW LAWN CARE BIDS**

Ms. Silverman shared that lawn care bids had been received from JM Construction and Howe's Lawn Care. Ms. Favreau shared that Howe's Lawn Care provided lawn care services for the town from 2004–2009 and 2012-2015 and that another company provided the service from 2010-2011. Ms. Favreau and the Selectmen reviewed the bids. Mr. Holman asked how happy we had been with Howe's. Ms. Favreau and Ms. Silverman stated they have been very happy with their service. Ms. Favreau shared that we didn't need to go with the lowest bid. Ms. Silverman shared that we could accept the lowest bid and the risk would be whether they could keep up. Ms. Silverman shared that there needed to be a reason why we wouldn't go with the lower bid. Mr. Holman stated the reason was that we were happy with Howe's. Mr. Holman shared that it might be interesting to split up the work. Ms. Silverman shared that we could run into a problem and that we needed to go with one company. Ms. Silverman stated that a decision needed to be made at tonight's meeting. Ms. Favreau shared that if we were not happy, we could get on them but it was an unknown. Ms. Silverman noted that JM Construction had never done work for the town. Mr. Holman asked about references. Ms. Favreau shared that we were reluctant to go with another company that had the lowest bid a few years ago and we were happy with them. Ms. Silverman stated that accepting the lowest bid saves the town money, unless there was a compelling reason not to accept. Ms. Silverman shared that a contract would be signed.

Mr. Holman made a motion to accept JM Construction's bid for lawn care services. Ms. Silverman seconded.
Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

Ms. Silverman shared with Ms. Carney that she and Mr. Holman had accepted the lawn care bid of JM Construction. Ms. Carney shared that she doesn't like JM Construction's business practices because they cut corners. Ms. Carney stated that maybe lawn care and construction was done differently. Ms. Carney mentioned that JM Construction did work on the cranberry house and guys were coming and going a lot. Ms. Carney stated she understood their decision. Ms. Silverman asked about the lawn care contract.

*** **DISCUSS MEETING WITH LIBRARY TRUSTEES AND BUDGET COMMITTEE**

The Selectmen reviewed the draft of questions to be asked at the meeting. The Selectmen also reviewed the Library's 5 Year Strategic Plan. Ms. Silverman stated the Library was an important resource for the town but doesn't see where the interface was. Mr. Holman noted the biggest difference was the fiduciary duties. Ms. Silverman stated that the fiduciary duties were the responsibility of the Library Trustees. Ms. Silverman stated that they want to grow the library. Mr. Holman asked about the Trustee's committee structure. Ms. Favreau and Ms. Silverman shared they were too small to have committees. Discussion was held on the second floor space and their archives. Ms. Silverman mentioned having an outline of how the town has been taking care of their budget for over 10 years. Ms. Favreau shared that now we do payroll, taxes and retirement. Ms. Silverman stated that if we have an outline of how we used to do it and under the law we should just give them a check. Ms. Silverman wanted to clarify how it's supposed to happen legally and how we have adjusted it for them. Ms. Silverman suggested asking them if they wanted to take over payroll. Ms. Silverman thought it might be helpful and that Fred Wilkinson has brought up questions in his e-mail. Ms. Silverman suggested making a list of how the town handles the Library's funds and ask if this was how we want to continue to handle. Mr. Holman asked about oversight if they do their own payroll. Mr. Holman stated that he understood the motivation to have them stand alone. Ms. Silverman stated that by statute it was their money but years ago the town took over payroll. Ms. Silverman wanted to make sure that this was how we were to continue. Ms. Favreau shared that since Kate Thomas became the Librarian, they have been paying their own bills. Ms. Silverman asked how we determine if bills were paid. Ms. Favreau shared that she has no idea. Ms. Silverman shared that the Library Trustees were responsible for that oversight. Ms. Silverman mentioned that if we don't handle some of that – we wouldn't know if funds had been spent and would need to be returned to the town. Ms. Favreau shared that we could ask for a report every 6 months. Ms. Silverman stated it was confusing that we don't know what they want from us and that she doesn't see that interfacing with the Library was crucial for what we do.

Ms. Silverman asked Mr. Holman about questions to ask. Mr. Holman asked to share the list with Mr. Noyes when he meets with the Selectmen tonight. Ms. Favreau shared that the list of questions was the agenda that the Library Trustees have requested. Ms. Silverman reviewed the questions: #1 – break down by the law and our history – going back 5 years – 20 years – the highlights. #3 – change to: helpful to us – more transparent for voters to have an accounting of the final expenses as a report in December. Mr. Holman mentioned that they have been keeping a higher hedge fund and they have another fund to draw from. Ms. Favreau wanted to add trust fund expenditures to the list of questions. Ms. Favreau shared that Richard Goettle had been asking for budget numbers as he was putting them in quick books, which would make it easy for them to do reports. Ms. Favreau mentioned changing the questions from - did they to when did they. Ms. Silverman stated it was premature to ask the last question.

Ms. Silverman reviewed the questions with Ms. Carney. Ms. Favreau suggested asking – verify you have the year that... and noted the last question was a preliminary question.

*** **DISCUSS ZONING BOARD OF ADJUSTMENT**
- **Enforcement of violations**

Ms. Favreau shared that a copy of a letter to David and Margot LaPointe (Map 38, Lot 9) was received from DES and that Mr. & Mrs. LaPointe had 20 days to respond to DES.

*** **REVIEW NOTICE OF DECISION - LIBRARY**

Ms. Silverman reviewed the Notice of Decision regarding the Library case. The Court has ruled in favor of the Library and the Locke Collection must be returned to the Library within 30 days at the expense of the Baldwin's. The Baldwin's must also reimburse the Library in the amount of \$300 from the sale of two clarinets.

*** **NON-PUBLIC SESSION RSA 91-A:3 II(a) – PERSONNEL MATTER**
- Employee Evaluation

At 8:44 p.m. Ms. Carney made a motion to go into non-public session under RSA 91-A:3 II(a). Mr. Holman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 8:48 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Holman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

OTHER BUSINESS

Ms. Carney asked if Firework Permits could be on the front page of the website.

Fireworks Permit for Cassie Kashawlic, Fleur de Lis Camp, on July 3, 2016. Mr. Holman made a motion to accept. Ms. Silverman seconded. Ms. Carney recused herself, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

The Selectmen reviewed the newsletter articles. Ms. Carney asked to add something on the town beach being for town residents. Ms. Silverman asked to add something on the boat ramp – no camping out or swimming was allowed.

Ms. Carney shared that she and 2 other fire officials were at the Transfer Station on Saturday from 10 a.m. – 3 p.m. and wrote close to 50 burn permits.

Mr. Holman shared an e-mail from Dorothy Zug regarding dogs.

Ms. Favreau shared that she had talked with the Town Administrator in Hancock regarding their steeple repair and was told that they used McMillan. Ms. Favreau also talked with Bill Harper and he said it was work that he could do and he would come by to look at the project.

The Selectmen discussed their meeting on May 30th – Memorial Day. The Selectmen agreed to meet on Tuesday, May 31st at 1 p.m. The Selectmen also discussed their meeting on June 13th and agreed to reschedule for Tuesday, June 14th at 1 p.m.

PIPELINE

Ms. Silverman shared that there would be a new breakdown of steps that the Coalition wanted to take. Ms. Silverman also shared that depending on a town's warrant language – they may be out. Ms. Silverman would forward the information to the Selectmen once she received it and we should know one way or the other on May 26th. Ms. Silverman stated that most people feel that Kinder Morgan may come back in a year – year and a half with a new application.

Ms. Carney shared that she heard that Kinder Morgan was doing this to get into the New Hampshire legislature that it was good for the state and get in good favor with legislators so that when they do come back they can slide it through.

Ms. Silverman stated that it wasn't going away and that we really needed to seal down some of the local work because it wasn't over.

ON-GOING BUSINESS

Prime Wetlands Study - Ms. Silverman shared that she had e-mailed Rick Van de Poll and he wanted Ms. Favreau to send him the responses from property owners that don't want him going onto their property. Mr. Van de Poll would contact the property owners where he really needed to be on their property.

Ms. Silverman made a motion to adjourn the meeting at 9:05 p.m. Mr. Holman seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Susan Silverman, Chairman

Nancy Carney, Vice Chairman

Chris Holman
Board of Selectmen