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Board of Selectmen Minutes 05/22/2012

Board of Selectmen
Meeting Minutes

May 29, 2012

Present: Selectmen Russell Galpin, Steven Venezia and David Fullerton, Town Administrator John Stetser, Trustee of Trust Funds Chairman Douglas Hatfield, Parks Board Chairman James Bailey, Park Board Member Allan Kingsbury, Lou Ann Rousseau, Gilman Shattuck, Robert Buker, Leigh Bosse and Selectmen's Secretary Iris Campbell.

Mr. Galpin called the meeting to order at 4:55 p.m.

5:00 p.m. Mr. Hatfield, Mr. Bailey and Mr. Kingsbury came in to meet with the Board to discuss and establish a procedure for the reimbursement to the Town from the Manahan Trust for expenses at Manahan Park.

Mr. Hatfield said the money is distributed at the direction of the Board of Selectmen and the Trustees of Trust Funds first priority is to support the maintenance and improvements to Manahan Park and secondly to fund other worthwhile projects at no cost to the taxpayers. He said the Park Board should include improvement items in their annual budget, then the Selectmen would request the amount from the Trustees.

Mr. Bailey distributed a copy of a procedure which had been established in July of 2000. He said for the past fifteen years the procedure changes every time either the Board of Selectmen or Trustees change.

Mr. Venezia said at budget time the Park Board should submit their budget to include items they want to do to improve Manahan Park. He said the Board would submit a request for reimbursement to the Trustees. If the Trustees agree and there is enough money to cover those items then the money will be forwarded to the Town.

Mr. Hatfield suggested using some of the excess money from the trust to support the Manahan Photo Collection.

Mr. Bailey said the park is the priority use of the trust.

Mr. Hatfield said the park is the priority, not the exclusive use of the trust.

5:50 p.m. Alan Urquhart, Virginia Burton, Virginia Leiby, Ellen Harbour, Richard Harbour, Bonita Morse and Michael Pon entered the meeting at this time.

Mr. Venezia said during the 2012 budget process the Park Board will include in their budget improvements to Manahan Park they wish to accomplish with an asterisk noting the improvements will only be done if reimbursed by the trust. The Board will submit a request to the Trustees for reimbursement for the cost of maintenance and the improvements. The Trustees will reimburse what they can from the available funds.

6:00 p.m. Mr. Galpin asked if there was anyone who wished to speak during the open session.

Mrs. Rousseau said she would like to address Mr. Bosse.

Mr. Galpin said she could address the Board, but any discussion with Mr. Bosse would have to take place

outside this meeting.

Mrs. Rousseau said she would like to address the Board regarding a comment made by Mr. Bosse in his newspaper linking her name to an allegation of hindering the investigation because all of a sudden she is attending Board meetings. She said as a taxpayer she has the right to attend any public meeting she wishes. She said what was written in the paper was very serious and she took it very seriously. She explained while she was on the Board and the investigation was being done, a person called her saying there was an issue going on with an employee and asked how should they handle it. She gave them Attorney Rice's telephone number to call and speak to her because it had to do with the investigation. She never accused anyone. She just gave out Attorney Rice's number. She wants this on record and this issue straightened out. She feels this has put a cloud over her head. She has been asked about it all week and she is very angry. She also wants it corrected in the newspaper.

6:02 p.m. Gillian Hahn entered the meeting at this time.

Mr. Buker said he was originally approached by the person concerning the investigation, as he was no longer a Selectman, he referred them to Mrs. Rousseau. He feels Mrs. Rousseau pointed them in the right direction and they have spoken to Attorney Rice. He added rumors are everywhere.

He said he would be more concerned regarding the meeting between Mr. Galpin and Mr. Venezia. He asked Mr. Fullerton if he had been aware of the meeting before it happened.

Mr. Fullerton answered no.

Mr. Buker said that is wrong, two selectman meeting, even if no decision was made. He said the Board discussed something at one meeting, later Mr. Galpin and Mr. Venezia met, then Mr. Galpin came to the next meeting and discussed his meeting with Mr. Venezia.

Mr. Venezia agreed with Mr. Buker.

Mr. Buker said if Mr. Stetser has a lawyer, he should be all over this. He said that meeting was so wrong. He would be more concerned about that meeting than he would be about rumors.

Mr. Urquhart asked what this was all about.

Mr. Venezia went on the record at the last meeting saying the meeting with Mr. Galpin was in violation of RSA 91A and an illegal meeting. He said there was no notice. He said it was requested of him, Mr. Galpin came to his office and he spoke to him. He said prior to it via email, so it is in writing, that he felt it was not a legal meeting and it should be discussed at a public meeting.

For Mr. Urquhart, Mr. Venezia said this has to do with an issue which was brought up at the May 8 meeting. He said Mr. Galpin wished to meet with him to discuss a personal issue between the two of them. Mr. Galpin then gave a brief overview of their meeting at the last Board meeting.

Mr. Galpin said the legal advice he received, was that this was a personal issue between two people because he felt he had been accused of trying to interfere with the investigation that was going on. He wanted to find out who was making the original complaint. He was given two names and he spoke to them. He had to calm them down to keep them from getting on the telephone to Mr. Venezia and reaming him out for giving their names as persons involved because they were not. He said this was, as he had said at the last meeting, a contrived lie by somebody. He said he doesn't care if they come after him because he is an elected official, but when they come after the town and try to show that the investigation is contaminated because of interference, he said that upsets him because there was no interference whatsoever, none, ever.

Mrs. Rousseau said she is not a Selectman any longer and she doesn't have to take it. She doesn't have to take accusations in anybody's paper that she hampered an investigation.

Mr. Galpin said that was between her and the paper. The Board didn't give it to them.

Mr. Buker asked what the Board was doing, conducting its own investigation. He asked isn't Attorney Rice suppose to be doing the investigation. He asked why is all this stuff coming out that she is investigating. He asked if Mr. Galpin had called and talked to her. He said Mr. Galpin said at the last meeting he had

called and talked to her.

Mr. Galpin said she had called him. He called her back because she said she needed to talk to him and it would take about forty-five minutes. He asked her before they started if she had seen any indication of tampering in the investigation anywhere and she said absolutely not and that was the end of that part of the conversation. He said for an hour and a half she grilled him on stuff he hadn't said because basically when she had interviewed him, as the first person she interviewed, he had spoken only of things which had happened since Mr. Venezia came on the Board. He told her nothing of what had happened before and he should have known better because employees obviously did talk about things which had happened before because that is what she grilled him on. He has been straight honest about this and has tried to stay as far away from this investigation as possible. He doesn't want people to think he contaminated or started or was ever involved in it. He was as surprised as any other member of the Board when the petition by the four women was handed to them. He didn't want that type of thing but it is there.

Mr. Urquhart asked when will it end.

Mr. Galpin said as soon as Attorney Rice submits her report to our town council. He said originally the meeting was going to be with town counsel, Attorney Rice and the Board. However, Town Counsel said that may be misconstrued as a possible violation of the right-to-know law, so the meeting will be with Town Counsel as an attorney/client meeting with no notice or minutes.

Mr. Venezia said that the Board thought the investigation would have been done by now, but it has turned out to be more involved then Attorney Rice originally thought.

Mr. Buker said rumors are rumors and Mr. Fullerton should be very upset because two selectmen met without his notice and input. He said it should have been brought up at the next meeting, gone into a non-public session and hashed out your differences in another room then come back to the meeting.

Mr. Venezia said they couldn't go into a non-public because it is about the governing board.

Mrs. Rousseau said it was not about a personal issue because it was brought up at a public meeting.

6:10 p.m. ELVD Commissioner Robert Hutchinson, ELVD Administrator James Coffey and Head Librarian Tamara McClure entered the meeting at this time.

Mr. Urquhart said someone should call Attorney Rice and tell her this is very important and the longer it goes on, the more rumors will happen. He said everyone will be caught in the middle and it will only get worse.

Mr. Galpin said she has already been appraised of that because I called her when an employee turned in their resignation. He called Attorney Rice and told her we need this report as soon as possible to get this issue closed.

6:15 p.m. Virginia Leiby, representing the Living History Event Committee, came in to ask the Board's assistance in obtaining commercial insurance so they can rent three vans from Enterprise, to help alleviate traffic and shuttle guests to the different events.

Mr. Stetser has contacted the Local Government Center, who handles the Town's property and liability insurance. They have no problem covering the vans for the three-day event.

Mr. Venezia said we need the cost before we can make a decision.

Mr. Stetser will contact the LGC for a cost.

Mrs. Leiby said the Living History Committee is willing to reimburse the Town for the cost.

Mr. Venezia said the Board needs the cost in order to make an intelligent decision.

6:22 p.m. Virginia Burton spoke to the Board regarding an article in a newspaper which reported that the Town Pittstown where the town administrator voluntarily accepted a cut in pay and the welfare administrator cut her hours in order to help cut the town budget.

Mr. Galpin said that would have to be considered at budget time.

Mrs. Burton said she would be back at that time.

6:24 p.m. Tamara McClure came in to ask the Board three questions:

- 1) To ask for permission to have a garden design contest to beautify the Governor Smith Building;
- 2) A need for a committee to govern the library building - Mrs. McClure said on June 24, 2008 the Board of Selectmen voted to appoint the Library Trustee as the Governing Board for the library building and was this still in effect.

Mr. Galpin said it was until a Board rescinds the vote.

- 3) Mrs. McClure said they have noticed cracks in the ceiling of the dining room, in the Smith House, which should be fixed prior to the sprinkler system or stair projects are started. She has contacted a restorer and he has given her an estimate of \$6,700.

Mr. Stetser said there was \$10,000 budget for maintenance for the building. He will check tomorrow on how much money is available.

Mr. Fullerton made a motion to approve the repairs if the money is available. Mr. Galpin seconded the motion. The Board voted all in favor.

Mrs. McClure asked about the garden design contest. She was thinking of doing it in the front yard.

Mr. Galpin said as long as it doesn't interfere with the sidewalk or snow removal.

Mrs. McClure said she would bring the design to the Board for their approval.

6:32 p.m. James Coffey and Robert Hutchinson came to ask for the Board's permission to remove three trees, located on Town property, near the south side of the Hummingbird Lane Bridge Project.

Mr. Coffey also referred to a letter the ELVD had received regarding the Town's need to obtain a staging easement on land owned by ELVD near the Town's Gould Pond Road Bridge Project. He suggested instead of having a temporary easement just for this project, making it a permanent easement so it wouldn't have to be done again for any future projects.

Mr. Galpin made a motion to allow ELVD to remove trees necessary for the Hummingbird Lane Bridge Project and to work together to negotiate a permanent easement near the Gould Pond Bridge. Mr. Venezia seconded the motion. The Board voted all in favor.

6:43 p.m. Richard and Ellen Harbour wished to speak to the Board in a non-public session.

Mr. Galpin made a motion to enter a non-public session per RSA 91-A:3II(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. Mr. Venezia seconded the motion. The Board voted by roll call: Mr. Venezia - yes, Mr. Fullerton - yes and Mr. Galpin - yes.

6:45 p.m. The Board entered a non-public session with Mr. Stetser, Mr. Harbour and Mrs. Harbour.

6:50 p.m. Kelley Dearborn-Luce entered the meeting and was admitted to the non-public session.

Mr. Venezia made a motion to return to a public session. Mr. Galpin seconded the motion. The Board voted by roll call: Mr. Venezia - yes, Mr. Fullerton - yes and Mr. Galpin - yes.

7:07 p.m. The Board returned to a public session.

Mr. Galpin said no decision had been made. He said the Board would be researching the lien and any discharges.

Mr. Galpin made a motion to seal the minutes. Mr. Venezia seconded the motion. The Board voted all in favor.

The Board signed the following items:

- a. Selectmen's Meeting Minutes - 05/08/12 (amended) and 05/22/12
- b. Payroll Vouchers - #22-A

The Board reviewed and acted on the following correspondence and new business:

- a. PSNH RE: Jackman Dam Emergency Action Plan-revised pages
- b. Granite State Children's Alliance RE: Request for funding 2012-2013
- c. Copy of a letter to Town of Deering RE: Parks & Recreation Negotiations
- d. Copy of a letter to Edgar Luckenbach & Rebecca Brown RE: Denial of Abatement of Timber Tax - Mr. Venezia questioned the wording in letter pertaining to the Town's assessments.

Mr. Stetser will rewrite the letter as it has not been sent.

Mr. Galpin said he had received an email regarding changing the job classification for Robert Beard from a laborer to a truck driver and include a \$2.00 per hour increase.

It seemed no other Board member had received the email.

Mr. Venezia asked if he was in the union.

Mr. Galpin answered yes.

Mr. Venezia said the Board negotiated a pay scale with the union and if his job was incorrectly classified before union negotiations started then it should have been addressed during negotiations. He said if we wanted to downgrade a union employees job classification, he is sure the union would be right here fighting it.

Mr. Galpin made a motion to deny the requested for a pay raise for Mr. Beard. Mr. Venezia seconded the motion. The Board voted all in favor.

Mr. Fullerton asked about the information the Board had received at the last meeting from the auditors.

Mr. Galpin asked the Tax Collector/Town Clerk Deborah McDonald to come to the meeting.

Mrs. McDonald entered the meeting.

Mr. Galpin said the Board had received a report from the auditors regarding some procedural issues they have had with Mrs. McDonald for the last four years which makes it difficult for them to audit her books.

Mrs. McDonald said the auditors came in and showed her how they wanted it done. She said an auditor came in last week to check and she is now doing it the way they requested.

Mr. Galpin said the auditor mentioned that her son entered her office when he was returning her deposit bag. He said her son can't do that because our insurance doesn't cover anyone entering her office other than town employees.

Mrs. McDonald said he will not be doing that again as he has left town.

Mr. Galpin said now the finance director will be able to balance to Mrs. McDonald's books.

Mrs. McDonald said she was only depositing twice a week instead of daily.

Mr. Galpin said the auditors also mentioned deposits slips being made out with checks bunched together.

Mrs. McDonald said she is no longer doing that.

Mr. Venezia made a motion to adjourn the meeting. Mr. Fullerton seconded the motion. The Board voted all in favor.

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Iris Campbell
Selectmen's Secretary

Approved by:

Dated: June 12, 2012

Russell S. Galpin, Chairman

Steven J. Venezia

David N. Fullerton
Board of Selectmen

APPOINTMENTS:

6:00 p.m. - Open Session

6:15 p.m. - Tamara McClure RE: Upkeep of Library Building & Garden

6:45 p.m. - Richard & Ellen Harbour RE: 111 W. Main Street

TO BE SIGNED:

- a. Selectmen's Meeting Minutes - Amended 05/08/12 and 05/22/12
- b. Payroll Vouchers - ~~#22~~ & #22-A

CORRESPONDENCE & NEW BUSINESS:

- a. PSNH RE: Jackman Dam Emergency Action Plan-revised pages
- b. Granite State Children's Alliance RE: Request for funding 2012-2013
- c. Copy of a letter to Town of Deering RE: Parks & Recreation Negotiations
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