

Town of Hillsborough P.O. Box 7, 27 School Street, Hillsborough, NH 03244
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Board of Selectmen Minutes 02/14/2012

Board of Selectmen's
Meeting Minutes

February 14, 2012

Present: Selectmen Russell Galpin, Lou Ann Rousseau and Steven Venezia, Town Administrator John Stetser, Leigh Bosse, David Fullerton, Larry Baker, Douglas Parker, Philip Harvey, Herman Wiegelman, Shane O'Keefe and Selectmen's Secretary Iris Campbell.

Mr. Galpin called the meeting to order at 6:00 p.m.

6:00 p.m. - Mr. Fullerton is concern about the safety of pedestrians walking on W. Main Street between the square and McDonald's. He said the sidewalks are not plowed and the street is not plowed wide enough. NHDOT told him they maintain it in the summer and the Town does it in the winter.

Mr. Galpin said to the best of his knowledge it is part of Route 149 and that is a state highway.

Mr. Stetser said NHDOT was mistaken, the only state road we split the maintenance on, with them, is School Street.

Mr. Fullerton said he would contact NHDOT again.

Mr. Galpin asked if there was anyone else who wished to speak during the open session. Seeing none he asked if Board wanted to move on to the non-public request scheduled for 6:15 with Mr. Baker.

6:06 p.m. - Larry Baker came in to speak to the board and requested a non-public session.

Mr. Baker asked if he could record the session.

Mrs. Rousseau said no.

Mr. Venezia agreed.

Mr. Baker asked that Mr. Stetser not be included in the session.

Mr. Stetser asked why he had to leave.

Mr. Baker said because he is not invited to this non-public.

Mr. Stetser said so the non-public was about him.

Mr. Baker said he had not stated what the non-public was about.

Mr. Stetser said you have to state the purpose of the non-public before you can enter one.

Mr. Baker said it was about a personnel issue.

The Board discussed which non-public RSA Mr. Baker's request pertains to.

Mr. Baker said if after the meeting the Board wishes to release the discussion he has no problem with that.

Mrs. Campbell said she thought "a" is for employees and "c" is if the person requesting the non-public would be adversely affected.

Mr. Venezia made a motion to enter a non-public session under RSA 91-A:3II(c) - Matter that, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant. Mrs. Rousseau seconded the motion. The Board voted by roll call: Mr. Venezia - yes, Mrs. Rousseau - yes and Mr. Galpin - yes.

Mr. Baker asked the Board if he could record the session and if not, he would like Mrs. Campbell to remain to take minutes.

Mr. Stetser said if he was not allowed to be present then Mrs. Campbell should also not be present as she had been prompting Mr. Baker. If she is to stay, she should be told not to say anything during the session because she has already prompted him several times.

Mr. Baker again requested he be allowed to record the session.

Mr. Venezia said due to the session being non-public no recording should be made.

Mr. Galpin and Mrs. Rousseau agreed.

6:14 p.m. Board entered a non-public session with Mr. Galpin, Mr. Venezia, Mrs. Rousseau and Mr. Baker present.

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

6:49 p.m. The Board returned to a public session.

6:49 p.m. Thomas McClure, Tamara McClure, Dana Brien, Lauralee LoMonaco, Denise DeForest, Dennis DeForest and William Goss entered the meeting at this time.

Mr. Venezia made a motion to seal the minutes. Mrs. Rousseau seconded the motion. The Board voted by roll call: Mr. Venezia - yes, Mrs. Rousseau - yes and Mr. Galpin - yes

Board signed the following items:

- a. Selectmen's Meeting Minutes 2/7/2012
- b. Expense Voucher #4
- c. Payroll Voucher #7

6:50 p.m. Robert Hutchinson, James Bailey, Chief Kenneth Stafford, Peter Mellen, Kevin Belanger, Chief David Roarick, and Robert Hill entered the meeting of this time.

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

- a. A letter from Bellows-Nichols Insurance RE: 3 West Mill St. - Mr. Stetser said the Board has received a request from the owner of 3 W. Mill Street for the Town to continue the fence, which was installed on Town owned property on the vacant lot formerly known at 5 W. Mill Street, in order to close a gap between the fence and their home. This request was being made because their insurance company is threatening to cancel their homeowner's insurance.

Mr. Stetser has viewed the property and said the abutters are using the property for their personal use. He suggested advising the abutter to install the fence extension to their house.

Mr. Goss said they are using town property. He also asked if anyone knew where the lot line was.

Mr. Venezia said it is their insurance company asking for the fence and we should let the homeowner figure out a solution.

Mr. Stetser will draft a response to the homeowners.

7:00 p.m. Mr. Galpin adjourned the public session in order to attend the 2012 Budget Hearing, Water Bond Hearing and Wastewater Bond Hearing.

8:30 p.m. Mr. Galpin reconvened the public session.

b. A letter from Ernie Muserallo RE: Impact Fee

c. Audit Recommendation RE: Material Weakness - Mr. Stetser said the auditors for the 2010 audit are preparing the report for us and but they have found a material weakness which they want us to respond to in writing because it is required to be included in the audit report.

Mr. Stetser read from their request: We recommend the town clerk's fees collected be deposited in a timely manor. Monthly reconciliations need to be performed between the funds collected and the funds deposited as well as the revenue collected per the town clerk's software and revenues recorded in the town's general fund ledger.

Mr. Stetser said they are asking for the Board of Selectmen's response to this material weakness. Mr. Stetser took the liberty of drafting a paragraph basically echoing what the auditor had written in his recommendation. The Board would have to give to the Town Clerk, Deborah McDonald, and it would appear in the annual audit report.

Mr. Stetser said the auditor had asked him how the Board was going to address this problem. His drafted answer: The Board of Selectmen request that the town clerk deposit these agent fees, dog license and marriage fees at least weekly. The Board of Selectmen also request that the town clerk make monthly reconciliations between the funds collected and the funds deposited. The revenue collected per the town clerk's software and the revenue recorded in the town's general ledger should also be reconciled.

Mrs. Rousseau asked how often is it being done now.

Mr. Stetser answered the deposits are made monthly but the reconciliation is not being done at all.

Mr. Galpin said if that is their recommendation then we should be doing it.

Mrs. Rousseau questioned why it wasn't being done now.

Mr. Galpin thought this was something which had been brought up the year before.

Mrs. Rousseau said that was going to be her next question. She thought there had been a discussion on this before.

Mr. Stetser said this is either the second or third audit which has had this material weakness.

Mrs. Rousseau asked if it had ever been brought to her attention.

Mr. Galpin said she has spoken to him about it and he thought she was doing it.

Mrs. Rousseau said the Board should be presenting this in writing to her instead of just verbally saying it and having nothing happen.

Mr. Stetser said she had been presented with the material weakness forms and talked to her about it but we never followed up to see if she was doing it.

Mrs. Rousseau said the Board should give her something in writing so there is something stating that we

have request this and make sure we follow up on this.

Mr. Stetser said the auditor is only interested in the Board's response to the material weakness. It is up to us to follow up on it. A material weakness is the middle of the road reprimand. It says there is some potential for something to go wrong.

Mrs. Rousseau made a motion that we with the auditor's recommendation to remedy the material weakness they identified. Mr. Venezia seconded the motion.

Mrs. Rousseau said the Board will need to follow up.

Mr. Galpin said we need to follow up to make sure this is being done that written message needs to be given to the town clerk.

Mr. Stetser said he will get the office to prepare a letter on the town letterhead for the audit with that one paragraph for the Board to sign with copy to be given to the town clerk.

The Board voted on the motion all in favor.

Mr. Galpin said now we have this other issue. He said each Board member has received from town council, Attorney Michael Donovan, four suggestions on how to handle the investigation. He preferred suggestion number four, which is an independent, outside attorney, hired to do the investigation for the Board with no other town personnel involvement. If the other members agree, he will call Attorney Donovan tomorrow to get his list of people and his suggestions on how to proceed.

Mrs. Rousseau agreed that it needs to be an outside source not the Board internally. She asked if this person gets to know what is happening.

Mr. Galpin said we have to decide who it is going to be and inform him of what he is suppose to be doing.

Mrs. Rousseau said she meant the person the grievance is against. She asked how does that happen.

Mr. Venezia said that would be part of the independent investigator's role. He said they would likely talk to people, go through an information gathering search including interviewing people.

Mr. Stetser asked if Attorney Donovan had received a copy of the signed letter that was presented to the Board last Tuesday.

Mr. Galpin answered no.

Mr. Stetser said no one has presented him with any allegations against him.

Mrs. Rousseau answered no. Mr. Galpin was going to talk to Attorney Donovan and ask how to handle it and this is his response.

Mr. Galpin questioned how long it would take to get someone on board.

Mr. Venezia said the cost could be substantial.

Mr. Stetser asked if the private investigator hired to investigate him would know what he is investigating.

Mr. Galpin said these investigators have done this type of investigation before.

Mr. Stetser said what type of investigation, there have been no allegations against him.

Mr. Venezia said sexual harassment generally, I believe.

Mr. Stetser said it isn't written down anywhere, it has not been presented to the Board.

Mr. Venezia said he didn't know if it is required to be written down. There is an allegation of sexual harassment and the creation of a hostile work environment and that is what we are investigating. He doesn't know if it is required to be written down specifically. It is our responsibility as employers if something is brought to our attention like that to make sure it is investigated, both for your benefit and for anybody who is allegedly a victim of that behavior. It is our duty to protect our employees, both you and anybody accusing you of that or victims of that alleged behavior.

Mr. Galpin made a motion to contact Attorney Donovan for his recommendation and list of people who do this type of independent investigation. Mr. Venezia seconded the motion. The Board voted all in favor.

Mr. Galpin will contact Attorney Donovan in the morning. He asked if the Board wishes to meet next Tuesday night so we can move on this, if so a notice needs to be posted or does this fall under attorney/client privilege.

Mr. Venezia said maybe you can ask Attorney Donovan this when you speak to him. We need to act on this as expediently as possible.

Mrs. Rousseau and Mr. Galpin agreed.

Mr. Venezia stated the importance of business as usual, pending the investigation. This applies to all employees, with no retaliation by anybody who has been accused of any wrong doing or any kind of mistreatment by anybody who has done the accusing or feels they have been wronged. We need to continue a professional work environment for all parties involved so we can get things done as a town.

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

The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Iris Campbell
Selectmen's Secretary

Approved by:

Dated: February 28, 2012

Russell S. Galpin, Chairman

Lou Ann Rousseau

Steven J. Venezia
Board of Selectmen

**SELECTMEN'S MEETING AGENDA
February 14, 2012**

APPOINTMENTS:

- 6:00 p.m. - Open Session
- 6:15 p.m. - Larry Baker - Non-public
- 7:00 p.m. - Budget Hearing
- 8:00 p.m. - Water System Bond Hearing
- 8:15 p.m. - Wastewater System Bond Hearing

TO BE SIGNED:

- a. Selectmen's Meeting Minutes 2/7/2012
- b. Expense Voucher #4
- c. Payroll Voucher #7

TABLED ITEMS FROM THE LAST MEETING:

CORRESPONDENCE & NEW BUSINESS:

- a. Letter from Bellows-Nichols Insurance RE: 3 West Mill St.
- b. Letter from Ernie Muserallo RE: Impact Fee
- c. Audit Recommendation RE: Material Weakness