

# SELECTMEN'S MEETING

April 17, 2013

Executive Board Attending: David Upton, Susan Hansel, Maury Collins, Edie Drinkwater, Admin. Assist.

Others Attending: Dennis Dellagreca, Rick Lothrop, Priscilla Walter, Bert Wingerson, Karen Tolman, Barry Tolman, Mike Tarr, Julia Lennon, Lisa Sieverts, Maureen Lord, Kathy Blaudschun, Sam Romano

The meeting was called to order and opened by Chair David Upton at 6:00 PM.

Rick Lothrop was first on the agenda.

Rick reviewed the recent history beginning with his letter of resignation, work on a job description, and flow chart.

Rick indicated that he has given the Chiefs job description to Bud French to review. David explained the positions of Deputy Chiefs.

After reviewing the job descriptions for the two deputy positions, Rick stated that he has concerns that if the Fire Chief is out of Town that the Deputy Fire Chief of Operations or the Deputy Fire Chief of Administration could hold the position. He suggested adding that clause to the job description for the Deputy Fire Chief of Administration.

The Board agreed.

David made a motion to amend the job description for Deputy Fire Chief of Administration to include Rick's suggestion and to then approve the job description for Deputy Fire Chief of Administration.

Maury seconded the motion.

The motion then carried by a vote of 3-0.

Rick informed the board that he will be retiring in just over a week and would like the Board to move forward with interviews.

David asked that Rick pass out the job descriptions and have people who may be interested contact the Town office for an interview appointment.

Rick then read from a page of notes reviewing the history of the Nelson Fire Service. No skills, No training, no job descriptions were required in the past. Everyone agreed that times have changed.

Karen and Barry Tolman came before the Board to discuss the cleanup of road debris that had spread well into the roadside right of way during winter maintenance this year.

Maury had discussed the possibility of having inmates come to do the cleanup at several locations in Town.

David noted that this would require a Board vote.

Maury made a motion to approve the use of Cheshire County inmates to rake the rocks and debris off of the lawn areas of the Town right of way and to assign Barry Tolman as Volunteer for the Town to supervise the work crew.

David seconded the motion.

The motion then carried by a vote of 3-0.

Next, David explained the guidelines for events on Town property.

Several questions arose from the audience.

Susan explained the protocol necessary to accomplish the event.

Questions regarding participation by others and the previous rule adopted by the OHDC of no profit by individuals during that week were focal points.

It was explained that any group or individual may submit a request to the Select Board for consideration of participation in the event.

RSA 508:17 was also explained. This indemnifies Town Volunteers from individual liability concerns. Names must be presented to the Board from anyone wishing to be a Town Volunteer during events.

Next, Lisa Sieverts came before the Board to discuss the deadline for the New Hampshire Moose Plate Grant. There are various divisions of the Grant. Lisa explained that doors and windows would fall into one of these categories.

Lisa went over the form in detail.

Lisa and Susan reported that Historic Harrisville is interested in helping with this project.

A bid for \$10,000 has been presented to the Grant writers.

The Grant requirements dictate that recipient propose to begin spending on the project in 2014 and that the project must be complete by 2015.

The completed form and supporting documents need to be in Concord by Friday April 26, 2013.

Lisa will also begin working on other Federal Grant that will be available.

Mike Tarr came before the Board to explain the unusual winter conditions that resulted in a lot of roadside surface debris along the right of way.

The Boat ramp at Granite Lake was also discussed, noting that the DES permit process will be holding up the repairs.

Mike suggested hiring Chris Guida to complete the paperwork process for the DES permit.

The Board was in agreement.

David made a motion to hire Chris Guida to complete the DES application process.

Maury seconded the motion.

The motion then carried by a vote of 3-0.

Next Julia Lennon, TC/TC came before the Board and requested a Non-Public session regarding issues of taxation, taking of property, and legal content.

At 7:50 PM David made a motion to move into Non-Public session in accordance with RSA 91-A:3II (c&d&e)

Susan seconded the motion.

The motion then carried by roll call vote of 3-0. Maury – Aye, Susan – Aye, David - Aye

**Town of Nelson** [Board of Selectmen, Planning Board, ZBA etc. (choose one)]

Cause harm to reputation of another, acquisition of property, Legal

RSA 91-A: 3 II (c&d&e)

**Minutes of Non-Public Session #1**

Date: April 17, 2013

Present: David Upton Yes  
Maury Collins Yes  
Susan Hansel Yes

Motion to enter Non-Public Session made by David  
and Seconded by Susan.

**SPECIFIC EXEMPTION RELIED UPON AS FOUNDATION FOR THE NON-PUBLIC SESSION.**

   **RSA 91-A: 3 II (a)** – The dismissal, promotion or compensation of any public employee or the disciplining of such employee or the investigation of any charges against him unless The employee affected (1) has a right to a meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

   **RSA 91-A: 3 II (b)** – The hiring of any person as a public employee.

   **RSA 91-A: 3 II (c)** – Matters which, if discussed in public, would likely affect adversely the Reputation of any person, other than a member of the board itself, unless such person requests an open meeting.

   **RSA 91-A: 3 II (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.

   **RSA 91-A: 3 II (e)** – Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the Town or any subdivision thereof, or against any member thereof because of his membership in such body, until the claim or litigation has been fully adjudicated or otherwise settled.

Roll call vote: Susan Hansel Yes  
Maury Collins Yes  
David Upton Yes

THE BOARD ENTERED NON-PUBLIC SESSION AT 7:50 PM

**OTHER PERSONS PRESENT DURING THE NON-PUBLIC SESSION**

Edie Drinkwater, Administrative Assistant. and Julia Lennon, TC/TC

**BRIEF DESCRIPTION OF THE SUBJECT MATTER DISCUSSED AND FINAL DECISIONS:**

A lengthy discussion took place regarding all legal aspects surrounding the taking by deed of certain properties.

Areas of discussion included specific individuals in danger of legal action, possible alternate solutions, and detailed financial consideration.

After all cases were reviewed the Board came to an agreement with the Town Clerk/Tax Collector on how to proceed.

Due to the detailed personal content of some of the discussion, David made a motion to seal the minutes of the Non-Public session.

Maury seconded the motion.

The motion then carried by a roll call vote of 3-0. Maury - Aye, Susan - Aye, David - Aye.

**NOTE: RSA 91-A: 3 (III)** Minutes of proceedings in non-public session shall be kept and the Record of all actions shall be promptly made available for public inspection, except as provided in this Section. Minutes and decisions reached in non-public session shall be publicly disclosed within 72 hours Of the meeting, unless by recorded vote of 2/3 of the members present, it is determined that divulgence of the information would adversely affect the reputation of any person other than the member of the Board, or render the proposed action ineffective. In the event of such circumstances, information shall be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Shall the minutes be publicly disclosed? **No**

If No, the following motion is required:

**MOTION MADE BY David, SECONDED BY Maury  
TO NOT PUBLICLY DISCLOSE THE MINUTES BECAUSE IT IS DETERMINED THAT  
DIVULGENCE OF THE INFORMATION LIKELY WOULD:**

- Affect adversely the reputation of any person other than a member of the Board, or
- Hinder an ongoing Police Investigation
- Render the proposed action ineffective.

Cause harm to the Town through Possible litigation

**ROLL CALL VOTE** Maury - Aye  
David - Aye  
Susan - Aye

**MOTION TO CLOSE THE NON-PUBLIC SESSION #1  
MADE BY David AND SECONDED BY Maury**

**ROLL CALL VOTE** Susan - Yes  
Maury - Yes  
David - Yes

The Board Reconvened the Public Session at 8:04 PM

Minutes recorded by: Edie Drinkwater

At 8:04 PM, upon returning to Public session the discussion returned to Old Home Days. Maury made a motion that the Select Board sponsor "Old Home Week" from August 11<sup>th</sup> thru August 17<sup>th</sup>, 2013. David seconded the motion. The motion then carried by a vote of 3-0.

After a brief reminder that the sidewalk repair at the Library and Town Hall has been pending the end of winter, Maury made a motion to begin the sidewalk repair at the Library entrance and the center entrance for the Library/Town Hall. David seconded the motion. The motion then carried by a vote of 3-0. It was noted that the walk going to the Town Hall will remain pending due to the possible renovation work which will likely disturb that walk area.

Next, David made a motion to approve the following individuals as official volunteer members of the Town Buildings Committee: Lisa Sieverts, Mike Demartelly, David Upton, Rob Germeroth, Tom Buttrick, Eric Sandberg, Russ Thomas, Susan Hansel, Sandy Mackenzie, and Bob Lenox. Maury seconded the motion. The motion then carried by a vote of 3-0.

A brief discussion followed regarding setting up a first meeting of the committee. David Drasba and other architects will be contacted to present proposals.

Paperwork began to circulate for review and signing. David made a motion to approve a letter of support from the Select Board for the Moose Plate Grant Project. Maury seconded the motion. The motion then carried by a vote of 3-0.

Susan reported that the manifest was found to be complete. She followed with a motion to accept the manifest as presented. Maury seconded the motion. The motion then carried by a vote of 3-0.

David made a motion to approve the minutes of the April 3, 2013 Selectmen's meeting. Maury seconded the motion. The motion then carried by a vote of 3-0.

David made a motion to approve a request from "Fast Friends Greyhound Rescue" to conduct a walk around Granite Lake to honor Lorraine Howard. Maury seconded the motion. The motion then carried by a vote of 3-0.

At 9:05 PM David made a motion to briefly return to Non-Public session in accordance with RSA 91-A: 3 II (c&d) Susan seconded the motion. The motion then carried by a roll call vote of 3-0. Maury – Aye, Susan – Aye, David – Aye.

**Town of Nelson** [Board of **Selectmen**, Planning Board , ZBA etc. (choose one)]  
Harm to reputation and Threat of Litigation  
RSA 91-A: 3 II (c&e)

**Minutes of Non-Public Session #2**

Date: April 17, 2013

Present: David Upton Yes  
Maury Collins Yes  
Susan Hansel Yes

Motion to enter Non-Public Session made by David  
and Seconded by Susan.

**SPECIFIC EXEMPTION RELIED UPON AS FOUNDATION FOR THE NON-PUBLIC SESSION.**

   **RSA 91-A: 3 II (a)** – The dismissal, promotion or compensation of any public employee or the disciplining of such employee or the investigation of any charges against him unless The employee affected (1) has a right to a meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

   **RSA 91-A: 3 II (b)** – The hiring of any person as a public employee.

   **RSA 91-A: 3 II (c)** – Matters which, if discussed in public, would likely affect adversely the Reputation of any person, other than a member of the board itself, unless such person requests an open meeting.

   **RSA 91-A: 3 II (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.

   **RSA 91-A: 3 II (e)** – Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the Town or any subdivision thereof, or against any member thereof because of his membership in such body, until the claim or litigation has been fully adjudicated or otherwise settled.

Roll call vote: Susan Hansel Yes  
Maury Collins Yes  
David Upton Yes

THE BOARD ENTERED NON-PUBLIC SESSION AT 9:05 PM

**OTHER PERSONS PRESENT DURING THE NON-PUBLIC SESSION**

Edie Drinkwater, Administrative Assistant.

**Town of Nelson**

**Minutes of Non-Public Session**

**BRIEF DESCRIPTION OF THE SUBJECT MATTER DISCUSSED AND FINAL DECISIONS:**

There was a brief discussion regarding a letter from the Selectmen in response to a previous matter presented in Non-Public Session. That session resulted in sealed minutes and this discussion is considered an ongoing part of that session.

**NOTE: RSA 91-A: 3 (III)** Minutes of proceedings in non-public session shall be kept and the Record of all actions shall be promptly made available for public inspection, except as provided in this Section. Minutes and decisions reached in non-public session shall be publicly disclosed within 72 hours Of the meeting, unless by recorded vote of 2/3 of the members present, it is determined that divulgence of the information would adversely affect the reputation of any person other than the member of the Board, or render the proposed action ineffective. In the event of such circumstances, information shall be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Shall the minutes be publicly disclosed? **No**

If No, the following motion is required:

**MOTION MADE BY David, SECONDED BY Maury  
TO NOT PUBLICLY DISCLOSE THE MINUTES BECAUSE IT IS DETERMINED THAT  
DIVULGENCE OF THE INFORMATION LIKELY WOULD:**

- Affect adversely the reputation of any person other than a member of the Board, or**
- Hinder an ongoing Police Investigation**
- Render the proposed action ineffective.**

**Cause harm to the Town through Possible litigation**

**ROLL CALL VOTE Maury - Aye  
David - Aye  
Susan - Aye**

**MOTION TO CLOSE THE NON-PUBLIC SESSION #2  
MADE BY David AND SECONDED BY Maury**

**ROLL CALL VOTE Susan - Yes  
Maury - Yes  
David - Yes**

The Board Reconvened the Public Session at 9:09 PM

Minutes recorded by: Edie Drinkwater

With nothing further, David made a motion to adjourn.  
Maury seconded the motion.  
The motion then carried by a vote of 3-0.

Meeting adjourned 9:10 PM

April 17, 2013

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David Upton, Chair

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Maury Collins

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Susan Hansel