

## Town of Nelson Selectmen's Meeting

April 27, 2016

Executive Board Attending: David Upton, Maury Collins, Gary Robinson, Edie Drinkwater, Admin. Assist.

Others attending: M. Dellagrecia, B. Mullet, J. Bunce, B. Jones, S. Lagace, M. Lagace, B. French, W. Hammack, M. Cornog, D. Kidd, J. Roland, A. Whitney, B. Roland, R. Roland, K. Tolman, D. Dellagrecia, M. Blaudschun

At 3:00 PM the meeting was opened by Chair David Upton.

● David made a motion to approve the manifest for April 27, 2016 as presented.

Maury seconded.

The motion carried 3-0.

● David made a motion to approve both the Public and Non-Public minutes for April 13, 2016.

Gary seconded.

The motion carried 3-0.

● Following a review of the presented BP application and proposed plan, David made a motion to approve a building permit for J. Yardley and H. Strauss for the construction of a deck on their existing house.

Gary seconded.

The motion carried 3-0.

● The Board reviewed the results of the water tests for the well water going into the Old Brick Schoolhouse and the Town Hall/Library. The water is listed as safe for drinking but the report indicates that the water far exceeds recommended units of various elements that were also checked during the test. Following further discussion of the options, the Board agreed to request an estimate from "Plumbob" to relocate the depth of the pump.

● David made a motion to approve a Timber Tax Warrant based on a report of cut from S & M Forest

Gary seconded.

The motion carried 3-0.

● David made a motion to approve an Intent to Cut for the Harris Center

Maury seconded.

The motion carried 3-0.

● David made a motion to approve an Intent to Cut for George Colony

Gary seconded.

The motion carried 3-0.

● David made a motion to approve submission of a Request for Extension to file the MS-1 with DRA. Because this is a revaluation year, the data will likely not be completely finalized in time to meet the normal September first deadline.

Gary seconded.

The motion carried 3-0.

● Gary made a motion to approve Maury's follow-up letter to the Keene High School Career Center detailing the purchase understanding for building and delivering a new Utility Shed.

David seconded.

The motion carried 3-0.

● Following a status update of the Osgood Hill project, David made a motion to approve the direct flow of approved funds from the Conservation Commission checking account to an approved escrow account held under the authority of Nelson's Town Attorney, Gary Kinyon. It being understood that funds deposited into said escrow account will be used to complete the purchase of the restricted fee interest in the property known as "Osgood and Hurd Hills" from the Harris Center and further to cover all other costs associated with the purchase. It also being understood that all funds represent monies under the full authority and control of the Nelson Conservation Commission, having been acquired from various grants, donations, LUCTs, or trusts and no funds are to come from taxes.

Maury seconded.

The motion carried 3-0.

● David noted that there are still pending changes to be made in the easement language and the Harris Center still needs to submit a letter of understanding that no further commitment of funds is implied by the Town of Nelson or its Conservation Commission or expected in any way by the Harris Center beyond the agreed upon purchase price and closing costs.

● David made a motion to approve a reply letter as an update of Board action in response to a complaint filed with the Selectmen.

Gary seconded.

The motion carried 3-0.

● David made a motion to approve and sign a report to DES regarding the storage of petroleum products.

Maury seconded.

The motion carried 3-0.

● Following a review of the assessor's recommendations, David made a motion to deny a request for current use for property # 109-004-001. This small parcel is used as waterfront access and features improvements therefore it does not qualify for CU.

Gary seconded.

The motion carried 3-0.

● David made a motion to approve a request for current use for property # 009-046-000 as recommended by the assessor.

Maury seconded.

The motion carried 3-0.

● David made a motion to approve a request for current use for property # 109-004-000 as recommended by the assessor.

Maury seconded.

The motion carried 3-0.

● David made a motion to approve a Purchase Request from the Police Department in the amount of \$900.00 to replace the computer.

Gary seconded.

The motion carried 3-0.

● Maury made a motion to send a letter to the Fire Chief requesting an explanation regarding the hiring of new members from remote communities that is contrary to the policy previously presented to the Select Board.

David seconded the motion.

The motion carried 3-0.

● David made a motion to approve a letter to the Trustees of Trust Funds requesting the transfer donated funds to be used toward the principal payments for the Library lower level and Town Hall building projects. The amount of funds to be exactly as designated in Article #5 of the 2016 Town Warrant as offsetting funds.

Maury seconded.

The motion carried 3-0.

● The Board met briefly with Richard Pratt to discuss a complaint that they received regarding the extreme level of traffic on Old Stoddard Road due to the re-routing of Rt. 9 during a fire emergency in Stoddard. Ms. Ames asked that a police officer respond to monitor and slow the traffic at such times. R. Pratt said he is not usually notified if the State Police are handling a situation that requires traffic re-routing from Rt. 9.

The Board will consider options for addressing the matter and will send a letter to Ms. Ames.

● Just before 4:00 PM David made a motion to recess the regular public meeting in order to convene a public hearing regarding the Board's intentions to accept a gift in trust which exceed \$10,000.

Gary seconded.

The motion carried 3-0.

### **PUBLIC HEARING HELD 4:00 – 4:13 PM**

● At 4:15 PM David reconvened the regular public meeting of the Select Board.

#### 4:15 PM Non-Public Session

● David immediately made a motion to move into Non-Public session in accordance with RSA 91-A:3 II (a&c) Personnel and harm to reputation.

Gary seconded.

The motion carried by a roll call vote 3-0. Maury – yes, Gary – yes, David – yes

The Board reviewed a complaint filed by a Town resident against an employee and discussed the matter

with the employee.

The matter remains not fully resolved at this time.

Due to the sensitive nature of the complaint, David made a motion to seal the minutes.

Maury seconded.

The motion carried by a roll call vote 3-0. Maury – yes, Gary – yes, David – yes

David then made a motion to return to Public session.

Maury seconded.

The motion carried by a roll call vote 3-0. Maury – yes, Gary – yes, David – yes

4:45 PM Return to Public Session

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● A brief discussion continued regarding the re-routing of traffic onto Old Stoddard Road. Maury made a motion to send a letter to the Police Chief directing him to notify Mutual Aid and the Police Dispatch center to immediately notify the Nelson Police Dept. in the event of an emergency that re-routes traffic onto and through Old Stoddard Road.

Gary seconded.

The motion carried 3-0.

● Following a review of an updated Lightec contract and Eversource rebate confirmation, Maury made a motion to approve and sign the contract and issue the deposit to begin the energy saving light installation.

Gary seconded.

The motion carried 3-0.

● The monthly Fire Extinguisher report from the Fire Chief was reviewed. The reported indicated that the path to the electrical panel in the Town Hall is again blocked. Maury agreed to notify the Folklore Society of this storage issue due, in part, to their equipment. He will remind everyone to keep the path clear.

● David made a motion to include, in the minutes, the following “Rumor of the Week” to correct a false impression in the community resulting from an email circulation.

Gary seconded.

The motion carried 3-0.

#### **Rumor of the Week**

An Email being circulated this week has given many a false impression regarding not only the procedural requirements but the Selectmen’s support of the acceptance of a particular gift valued in excess of \$10,000.

#### **Now for the Facts**

❖ **On March 23, 2016 The Selectmen were informed by the Fire Chief of a pending gift offer to be used by the Nelson Fire and Rescue to purchase an EKG machine.**

❖ **The minutes of that meeting clearly show that the Selectmen support the purchase of the machine with the use of private donated funds.**

- ❖ As of March 30, 2016 the donor had not presented written details of the gift offer.
- ❖ On March 30, 2016 the minutes of the Selectmen's meeting show further discussion of the donation as well as advice from the Town auditor regarding proper procedure to commit and expend funds not yet received by the Town. The process requirements include legal postings, a public hearing and a vote by the Board. (and receipt of the funds) The Board agreed to await further information from the Fire Chief or the Donor.
- ❖ Because the Fire Chief and the donor were not familiar with the requirements of RSA 31:95-b, the Fire Chief asked the Administrative Assistant to list the requirements and forward them to Mr. Bradshaw. Which she did.
- ❖ On April 11, 2016 Mr. Bradshaw submitted a letter to the Nelson Select Board outlining details of his gift offer.
- ❖ Just two days later, on April 13, 2016 during the Selectmen's meeting, David Upton made a motion to post legal Notice of the Board's intent to consider acceptance of the donation in excess of \$10,000 in value. This was seconded by Maury Collins and the motion carried by unanimous vote.
- ❖ The very next day, April 14, 2016 The Newspaper Notice for a Public Hearing was submitted to the Keene Sentinel and on April 16, 2016 the detailed notice appeared in the legal section of the paper. (7 business days of notice does not include the day the post appears or the day of the hearing.)
- ❖ **The Board showed only support of this gift and took quick action to meet all legal requirements in this matter. To imply anything else is a deliberate misrepresentation of the facts.**

- With nothing further, Maury made a motion to adjourn.  
David seconded.  
The motion carried 3-0

Meeting adjourned 5: 47 PM.

April 27, 2016

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David Upton, Chair

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Maury Collins, Selectman

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Gary Robinson, Selectman