

SELECTMEN'S MEETING

April 3, 2013

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

Others Attending: John Cucchi, P. Walter, Bert Wingerson, Dennis Dellagrecia, Rick Lothrop, Kathy Blaudschun, Sandra Romano, Kathy Schillemat, Maureen Lord, Max Nunnemaker, Julio Razquin, Elizabeth Williams, Judi Lang

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

Some paperwork was presented for review and signing as people continued to arrive.

David made a motion to approve the Public minutes of the March 27th, 2013 meeting
Maury seconded the motion.

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

David made a motion to approve the Non-Sealed Non-Public minutes of the March 27th, 2013 meeting.

Maury seconded the motion.

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

David made a motion to approve the Sealed Non-Public minutes of the March 27th, 2013 meeting.

Maury seconded the motion.

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

The next topic before the Board was the organizational status of the Old Home Day Committee. During discussion the audience was informed that no concrete evidence could be found of an official vote of either the Governing Body or by a vote at any Town Meeting. Susan Hansel reviewed several Town reports and various additional documents with no conclusive vote found. It had been determined that funding alone does not constitute a Town entity.

Without further evidence to the contrary it is the Board's conclusion that presently this is a private group of individuals and not a Town entity.

Several possibilities were presented for moving forward including sponsorship by a Town entity which could include a number of possibilities including a Town Department such as Fire or Police.

David explained that sponsorship of the event would make it a Town function. Insurance guidelines and reporting requirements would need to be met through the Board of Selectmen and the Town's Liability carrier. The Board would then have authority to expend the public funds for such a Town sponsored event.

Questions arose concerning the Right-To-Know laws.

As a private group there would be no requirement but as a Town entity that responsibility of compliance would exist.

Several people reviewed different aspects of the history but nothing that could be considered documentation was presented.

Old Town Reports are available in a number of locations for public viewing for anyone wishing to further the research Susan Hansel has already done.

Dennis Dellagrecia suggested that simply placing an article on the warrant for next Town Meeting could make it official.

The individuals who belong to the committee will meet to discuss the various options and report back to the Board.

David indicated that the Board will research the sponsorship avenue while the group decides how they want to proceed.

At 6:50 PM a Brief recess was called.

At 6:55 PM the Board reconvened with Rick Lothrop coming before the Board.

David noted that the Board is in agreement that there will be one Fire Chief and not Co-Chiefs as has been briefly discussed.

Rick gave a detailed presentation of the present structure relative to personnel and duties. With this he presented an easy to follow "Flow Chart".

Rick had matched up some of the details from the Selectmen's draft documents to what the flow of operations is now.

He also explained the structure of some other Town's operations. He then applied all the elements of the job description to the "Flow Chart"

His presentation was comprehensive and well defined.

Rick also presented duties typically assigned to a Deputy Fire Chief of Operations and a Deputy Fire Chief of Administration.

The Board agreed to review the information and to finalize the job descriptions for Fire Chief as well as the two Deputy positions.

Rick noted that in the absence of the Fire Chief the authority automatically passes to the Deputies.

At 7:17 PM David made a motion to go into Non-Public Session for the purpose of discussing personnel issues and the Hiring of a Public Employee.

Maury 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)]

Consideration of Promotion or hiring of a Public Employee

RSA 91-A: 3 II (a&b&c)

Minutes of Non-Public Session

Date: April 3, 2013

Present: David Upton Yes
Maury Collins Yes
Susan Hansel Yes

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

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

X **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.

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

X **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 7:17 PM

OTHER PERSONS PRESENT DURING THE NON-PUBLIC SESSION
Edie Drinkwater, Administrative Assistant. and Richard Lothrop, Fire Chief

Town of Nelson

Minutes of Non-Public Session

BRIEF DESCRIPTION OF THE SUBJECT MATTER DISCUSSED AND FINAL DECISIONS:

A lengthy discussion took place regarding all aspects of finding a proper replacement for Rick Lothrop as Fire Chief.

Areas of discussion included training, certification, communication, relationships within the department, Leadership roles, budgeting, expenditure procedures, and conditions of appointment for any potential candidate.

After all issues were covered, the Board thanked Rick for all of help in preparing for the appointment of a new Fire Chief.

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 7:45 PM

Minutes recorded by: Edie Drinkwater

The Board reconvened and invited John and Anne Cucchi to come to the table for presentation. This session was requested to be Non-Public by John and Anne and the Board agreed due to the content.

David made a motion to go into Non-Public Session to discuss matters of possible litigation as well as personnel issues.

Maury 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)]

Legal Issues of Litigation and Personnel Issues

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

Minutes of Non-Public Session #2

Date: April 3, 2013

Present: David Upton Yes
Maury Collins Yes
Susan Hansel Yes

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

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 7:46 PM

OTHER PERSONS PRESENT DURING THE NON-PUBLIC SESSION

Edie Drinkwater, Administrative Assistant. Richard Pratt, Police Chief

Town of Nelson

Minutes of Non-Public Session

BRIEF DESCRIPTION OF THE SUBJECT MATTER DISCUSSED AND FINAL DECISIONS:

The discussion focused on multiple complaints and allegations which may involve litigation. Some of the contents of the discussion could cause harm to the reputation of others. Due to the sensitivity of these issues the Board voted to Seal the minutes of this Non-Public 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 Maury, SECONDED BY David
TO NOT PUBLICLY DISCLOSE THE MINUTES BECAUSE IT IS DETERMINED THAT
DIVULGENCE OF THE INFORMATION LIKELY WOULD:**

X Affect adversely the reputation of any person other than a member of the Board, or

X Hinder an ongoing Police Investigation

 Render the proposed action ineffective.

X Cause harm to the Town through Possible litigation

ROLL CALL VOTE Susan **Yes**

Maury **Yes**

David **Yes**

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

ROLL CALL VOTE Susan - Yes

Maury - Yes

David - Yes

The Board Reconvened the Public Session at 9:11 **PM**

Minutes recorded by: Edie Drinkwater

At 9:12 PM the Board reconvened the Public Session of the meeting.

There was a brief discussion of the Ingalls property and the possible appeal it may have for partying or camping this summer.

David made a motion to ask Chief Pratt to legally post the property.

Maury seconded the motion.

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

Next, David asked Chief Pratt to contact the company that did the paint stripes on the Nelson Road this past fall. The paint has disappeared in many sections after just a few months of use. The Board agreed that there should be some reasonable expectation of service for the work performed and would like the company to address the problem.

There was a discussion regarding enforcing the use requirements for the Town Hall. Complaints have come in regarding a lack of enforcement for some renters. Further discussion included the increased cost of heating fuel, traffic control issues, Police presence, and over extending the building capacity. David made a motion to invite the Folklore Society to a meeting to discuss some of these issues.

Maury seconded the motion.

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

Edie reported that the Cemetery Board is seeking a Sexton. Edith Notman had asked if the Town owns any mowing equipment that would be available for use by the new Sexton. The Town does not own mowing equipment and it was suggested that perhaps the Cemetery Board could investigate use of some of the perpetual care funds to help with this maintenance issue.

Next, Susan made a motion to approve the manifest as presented.

Maury seconded the motion.

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

David made a motion to approve a supplemental intent to cut submitted by Wayne Young on the Heaney Property.

Maury seconded the motion.

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

David made a motion to approve a Timber Tax Warrant in the amount of \$952.81. to be presented to the Tax Collector for collection.

Maury seconded the motion.

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

Susan agreed to enroll in the Selectmen's Institute if space is available.

David made a motion to appoint Donna Kidd officially as office assistant.

Susan seconded the motion.

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

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 9:53 PM

April 3, 2013

David Upton, Chair

Maury Collins

Susan Hansel