

SELECTMEN'S MEETING

May 08, 2013

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

Others Attending: Attorney Maria Gavin, Bud French, Dennis Dellagrecia, Bert Wingerson, Priscilla Walter, Karen Tolman, Carol Raynor, Matt Ferraro

The meeting was opened by Chair David Upton at 1:30 PM.

David began by making a motion to go into Non-Public session for the purpose of legal consultation with Town Counsel.

Susan seconded the motion.

The motion then carried by a roll call vote of 2-0. Susan – Aye, David – Aye

After reviewing several legal issues and receiving advice from Counsel, David made a motion to seal the minutes of the non-public session with Town Counsel.

Susan seconded the motion.

The motion then carried by a roll call vote of 2-0. Susan – Aye, David – Aye

David immediately made a motion to begin the public meeting of the Nelson Select Board.

Susan seconded the motion.

The motion then carried by a roll call vote of 2-0. Susan – Aye, David – Aye

The public meeting was then opened at 2:03 PM.

David began by introducing Town Counsel, Maria Gavin to the audience.

Bud French was asked to come forward to follow-up on his meeting with the Selectmen from a week earlier.

Bud reported on the meeting of the Nelson Fire and Rescue and offered the preferences voiced by the department members through their vote.

He reported that 100% of the members are willing to give up pay and not be considered Town employees.

Bud offered objections to the job description as approved by the Select Board.

Attorney Gavin asked if Bud would be willing to work with the Board. His response was affirmative. She also queried if the job description had been circulated by the past Fire Chief. (Bud had indicated at the last meeting with the Board that he had not seen the job description until it was delivered to his home by Maury Collins.)

Bud presented a new draft of a job description for Fire Chief and offered a chain of command chart for consideration by the Board.

Susan expressed the Board's commitment to having a dialog and continued conversations over all the issues. She went on to explain the need for documentation and the liability issues.

Attorney Gavin explained the difference between policy and procedures established by the Board versus the chain of command duties within the department's operational guidelines.

Next, David read a review of questions posed by the Fire Department and the responding answers from the Board of Selectmen.

Answers to NFD Questions from 5/2/13

Why is the Select Board getting involved in the business of the NFD?

The Town of Nelson has a legitimate public interest in the operations of the NFD. Major of these interests are as follows:

1. Operations of the Department must DO NO HARM to the people that it serves.
2. Expenditure of Town funds must be consistent with Town expectations and New Hampshire budget law.

How do we assure that the possibility of doing harm is reduced to an absolute minimum?

1. We identify training requirements as part of our qualifications for members and their officers.
2. We provide the necessary training and require successful completion of testing for certification.
3. We require that licenses and certifications be on file for those providing services.
4. We prohibit the administration of services that exceed the scope of practice of individuals providing those services.
5. We require the development, recording, and placing on file of Standard Operating Guidelines for critical activities of the Department.
6. We require compliance with the applicable sections of our Nelson Employee Safety Manual.

How do we assure the proper expenditure of Town funds?

1. We will develop a purchase order system that must be followed in order to purchase supplies and services for the Department.

Why have we created the position of Select Board Liaison to

the NFD?

We have become concerned that the information available to the members of the NFD, relative to the interests and expectations of the Select Board, is either non-existent or erroneous. Having a Select Board member attend meetings of the NFD will help correct this problem.

DEU draft 5/5/13

Bud agreed to provide all requested documentation of certifications, licenses, etc. to the Town Office.

With little further discussion Bud agreed to read the job description from the Board and to block out anything he objects to and bring this back for further discussion.

Wes Enman was next on the agenda with a request for a building permit for property owned by Gary Robinson and Amy Whitney.

Wes reviewed all plans for the renovation project and covered the review checklist without issue.

David checked the maximum height allowance and found that the plans were well below the forty foot allowance.

David made a motion to approve the building permit.

Susan seconded the motion.

The motion then carried by a vote of 2-0.

David reviewed the Town Buildings Committee meeting and announced that David Drasba will be asked to attend the next meeting on Tuesday May 14, 2013 at 6:00 PM at the Town Hall. Edie will double post this meeting. One for the Town Buildings Committee and one for the Board of Selectmen as a quorum will be in attendance.

David then reviewed his meeting with Ron Grandmaison of the NH DOT. The NH DOT made some recommendations for safety sign changes and indicated that there may be funds available for this project.

Edie reviewed the recent court ruling favoring Fairpoint Communications regarding taxation issues. At this point it appears unlikely that further court action will overturn this in the near future. With that in mind it has been recommended that an abatement be granted for 2012.

David made a motion to approve the abatement.

Susan seconded the motion.

The motion then carried by a vote of 2-0.

A bid from Keene Commercial Interiors was reviewed for proposed repairs to the floor of the safety as well as water damage as noted in areas of the wall.

It is recommended that this project begin in the driest part of the summer to obtain a good seal of the foundation and floor before replacing the tiles.

Edie reported that the Yardley/Strauss case, which has been in appeal at the BTLA, may still not be settled in spite of an abatement offer. Lawyers for Yardley/Strauss are requesting further Concessions regarding the newly adjusted assessment.

Edie reported that Leslie Castor will be presenting plans for two building projects on a non-conforming lot. He is working on the plans and knows that this will require a referral to the ZBA.

He plans to bring in the details for presentation to the Board. A denial with a referral to the ZBA is expected by Mr. Castor.

David made a motion to approve the settlement as offered last week.
Susan seconded the motion.
The motion then carried by a vote of 2-0.

After reviewing the manifest, Susan reported it complete and made a motion to approve as presented.
David seconded the motion.
The motion then carried by a vote of 2-0.

Eddie noted that a request has come in for a copy of the Avitar Bid for assessing. The request came in from another company who also submitted a bid.

There was a brief reminder that the JLMC needs to schedule a meeting soon. Eddie will contact Mike, Nick, Richie, and Jason Walter.

David made a motion to approve the public minutes from the May 1, 2013 Selectmen's meeting.
Susan seconded the motion.
The motion then carried by a vote of 2-0.

Susan made a motion to approve the Non-public minutes from the May 1, 2013 Selectmen's meeting.
David seconded the motion.
The motion then carried by a vote of 2-0.

Dennis Dellagreca, EMD came forward to review two proposals for grant projects which he has submitted for possible future awards. These would be hazard mitigation projects to reduce risk to the infrastructure of the Town.

Eddie requested a Non-Public session to discuss a personnel matter.

At 5:13 PM David made a motion to move into Non-Public session in accordance with RSA 91-A:3 II (a&c&e)
Susan seconded the motion.
The motion then carried by roll call vote of 2-0. Susan – Aye, David - Aye

Town of Nelson [Board of Selectmen, Planning Board, ZBA etc. (choose one)]
Personnel, Cause harm to reputation of another, Legal
RSA 91-A: 3 II (a&c&e)

Minutes of Non-Public Session

Date: May 8, 2013

Present: David Upton Yes

At 5:40 PM David made a motion to return to public session.
Susan seconded the motion.
The motion then carried by a roll call vote of 2-0. 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** Susan
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

David - Aye
Susan - Aye

MOTION TO CLOSE THE NON-PUBLIC SESSION

MADE BY David **AND SECONDED BY** Susan

ROLL CALL VOTE Susan - Yes

David - Yes

The Board Reconvened the Public Session at 5:40 **PM**

Minutes recorded by: Edie Drinkwater

With nothing further upon returning to public session, Susan made a motion to adjourn.

David seconded the motion.
The motion then carried by a vote of 2-0.
Meeting adjourned 5:41 PM.

May 8, 2013

David Upton, Chair

Absent

Maury Collins

Susan Hansel