

SELECTMEN'S MEETING

May 22, 2013

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

Others Attending: Dennis Dellagreca, Matt Ferraro, Karen Tolman, Priscilla Walter, Elaine Giacomo, Bud French

The meeting was opened by Chair David Upton at 2:00 PM.

The meeting minutes from the previous Selectmen's meeting of May 15, 2013 were circulated and read.

David made a motion to approve the Public session minutes as presented.

Susan seconded the motion.

The motion then carried by a vote of 2-0. (Maury was absent from the meeting on 5/15/2013)

David then made a motion to approve the Non-Public session minutes as presented.

Susan seconded the motion.

The motion then carried by a vote of 2-0. (Maury was absent from the meeting on 5/15/2013)

David then began a review of the Board's meeting with Atty. Paul Sanderson from LGC regarding the organization of the Fire Department. David read from notes taken during the meeting.

Attorney's Comments on the Operations of Fire Departments in New Hampshire

From Nelson Select Board Meeting with Attorney Paul Sanderson on May 21, 201

Fire departments are responsible to the people that they serve for the provision of safe and effective services and for the proper use of public funds.

Select Boards, as agents of the people, have the authority to establish policies that govern the operations of municipal fire departments. These policies include, but are not limited to, the organizational plan for the fire department, job descriptions for members of the department, the compensation paid to members of the department, training and certification requirements for members of the department, standard operating procedures and guidelines, occupational health and safety standards.

Further, all fire department real estate or equipment purchased with funds appropriated by the municipality shall be the property of the municipality. All municipal funds appropriated for fire department purposes shall be held by the municipal treasurer and shall be subject to the municipality's normal budgeting, appropriation, and disbursement authorization. Select Boards therefore have the authority to establish policies relative to fund budgeting, appropriation and disbursement procedures, as well as those for the proper use and maintenance of equipment and facilities.

Select Boards have a wide range of actions that they may take relative to the operations of fire departments ranging from maintaining the status quo for operations that are achieving all policy requirements to terminating the operations of those whose services fail to achieve reasonable performance standards.

Susan noted the importance of overseeing public money and quality of services.

Maury added that if there are areas of weakness they should be addressed.

There was a brief discussion regarding setting up a meeting with Ron O'Keefe (Risk manager from LGC). Ron will review the minimum standards for training and discuss the many liability issues connected with operating a Fire Department.

There was another brief review of the Memorial Day Ceremony for those not present the week before when Chief Pratt ran through the events scheduled for Sunday May 26, 2013

David reported that the Town Buildings Committee is working a request for proposals for developing bid packages for the Town Hall Project and the Library Basement.

David reported that the Granite Lake Boat ramp project is proceeding with Chris Guida developing the DES presentation in which parking and signage will be addressed in addition to the water's edge issues.

David then turned the conversation back to the Town Hall and the problem of water runoff from the roof finding its way into the basement area of the building.

Edie reported that she and Mike watched the runoff during a downpour earlier. Mike noted that the metal rain gutter was shedding the water in an area that is creating the problem. It was suggested that if the pitch of the gutter is modified to shed to the rear of the building this could stop or considerably slow the problem. David said he would discuss this with the Town Buildings Committee at the meeting next week.

Next Bud French and Dennis Dellagrecia came forward for further discussion regarding the Fire and Rescue Department.

Multiple excerpts from several NH RSAs were read with no clear consensus of the intention of their content.

Susan explained that the Board has been making an effort to develop a workable plan for everyone that will continue to move the department forward.

The discussion continued and included issues regarding qualifications, compensation, licensing and certification, as well as experience.

There was clearly no resolve but all parties agreed to continue working on all questions and concerns.

There was a brief discussion regarding a tax assessment issue that Lisa Sieverts previously brought before the Board. Lisa and her family have entered into a conservation easement agreement with the Harris Center. Lisa then applied for and was granted the tax assessment associated with such an easement.

With regard to the Granite Lake Boat ramp situation, David requested that the Conservation Commission offer their input to aid in expediting the permitting phase of the project.

****Five minute recess****

Bob Jones presented a bid for mowing of the Ball field for this season. His bid was \$125.00 per mowing.

Maury made a motion to approve the \$125.00 bid for mowing.

Susan seconded the motion.

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

A summer meeting schedule was suggested for July and August with a meeting held every other week during those months. The July 3rd meeting will be scheduled at 2:00 PM but the other meetings during July and August will be at 6:00 PM.

David made a motion to approve the adoption of the summer schedule.

Maury seconded the motion.

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

Paperwork was then presented for review and signing.

A community action report from the DRA was circulated for review.

A letter of request was presented from Julia Lennon requesting additional funding to attend a conference which was not budgeted. (A denial of this request could make Julia eligible for scholarship funding.

David made a motion to deny the extra funding requested.

Maury seconded the motion.

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

The Tax Lien List was presented from the Town Clerk/Tax Collector for review.

David made a motion to approve the Tax Lien List as presented.

Susan seconded the motion.

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

A request from PSNH for a public hearing with the planning was reviewed. This involves permission to cut of scenic roadways in Town.

David made a motion to request that the Planning Board move forward with the public hearing.

Maury seconded the motion.

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

David read an evaluation review from JB Mack concerning several road safety recommendations.

More work will be done to address a number of these issues.

A copy of this evaluation will be forwarded to the Road Safety Committee.

Susan reported that the manifest was complete and moved approval as presented.

David seconded the motion.

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

An audience member asked how to go about presenting a road issue to the Board.

David suggested that he put his name on the agenda by calling Edie and explaining the topic to be addressed.

Rich Popovic brought in a job application for consideration by the Board for a clerk for the Planning and Zoning Boards.

David made a motion to schedule an interview.

Maury seconded the motion.

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

The first issue Tax Warrant was then presented for review.

David made a motion to approve the Warrant and submit it to the Town Clerk/Tax Collector.
Maury seconded the motion.
The motion then carried by a vote of 3-0.

At 5:30 PM Maury made a motion to move into Non-Public session in accordance with RSA 91-A:3 II (a&c&e) at the request of Chief Pratt.
David seconded the motion.
The motion then carried by roll call vote of 3-0. Susan – Aye, Maury – Aye, David - Aye

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

Minutes of Non-Public Session

Date: May 22, 2013

Present: David Upton Yes
Maury Collins Yes
Susan Hansel Yes

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

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.

X 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 5:31 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:

Updated information regarding Pending Legal cases was presented to the Board.
David made a motion to seal the minutes due Harm to reputation of another and lack of resolution as this is an ongoing matter and the risk of litigation.
Maury seconded the motion.
The motion then carried by a roll call vote of 3-0. Susan – Aye, Maury – Aye, David – Aye
At 5:40 PM Maury made a motion to return to public session.
Susan seconded the motion.
The motion then carried by a roll call vote of 3-0. Susan – Aye, Maury - 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
MADE BY Maury AND SECONDED BY Susan

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

The Board Reconvened the Public Session at 5:41 PM

Minutes recorded by: Edie Drinkwater

Upon coming out of Non-Public session there was a brief review of upcoming dates and events. With nothing further Maury made a motion to adjourn. Susan seconded the motion. The motion then carried by a vote of 3-0. Meeting adjourned 5:47 PM.

May 22, 2013

David Upton, Chair

Maury Collins

Susan Hansel