

SELECTMEN'S MEETING

June 12, 2013

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

Others Attending: Kathy Blaudschun, Sam Romano, Maureen Lord, Priscilla Walter, Bert Wingerson, Barry Tolman, Karen Tolman, Richard Pratt

The meeting was opened by Chair David Upton at 6:00 PM.

David reviewed two spread sheets prepared to receive information regarding the Old Home Day games and a list of the Volunteers and their contact information.

The volunteer list will be approved by the Board to assure insurance coverage for these individuals. The list of activities will be reviewed by the liability insurance carrier and any questions or concerns will be addressed.

David made a motion to approve the spread sheets along with the accompanying instruction sheet.

Susan seconded the motion.

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

Next, the minutes from the last meeting were presented for review.

Susan made a motion to approve the minutes for the June 5, 2013 meeting of the Select Board.

David seconded the motion.

The motion then carried by a vote of 3-0

The RFP for Architectural services was reviewed. Maury requested clarification on a couple points and then made a motion to approve the RFP as written.

Susan seconded the motion.

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

Members of the Old Home Day Committee arrived to present their list of organizers for the games and activities during Old Home Week.

Kathy Blaudschun gave an overview of the activities, times and locations.

The Board will approve the organizers as volunteers for the Town and the list of events and activities will be reviewed by the insurance carrier.

David gave a brief report of Training on Land Conservancy that he and Maury attended.

He noted that there are many options for land owners, the Town, and the Conservation Commission.

David reported that Chris Guida has now been contracted to prepare the necessary paperwork to receive DES permits for the repairs at the Granite Lake Boat Ramp.

Rumor or the Week

Fire Department issues

Through emails, phone calls, and people on the street we hear things like “Political motivation, Conspiracy, Designing job requirements to suit a family member. Some say “We made our choice, why is it taking so long?” Why are attorneys involved? Why is the liability carrier involved?

The answer is simple.

It is this Board’s duty and responsibility to get this right. The Board can’t answer to just the Fire Department members. They are responsible to hundreds of others who opened the Keene Sentinel not long ago to read some very serious headlines involving court charges. (January 8, 2013)

Because of this the Board needed to become familiar with the full scope of practice for every type of service the Fire department performs. The training, the licensing, the documentation, the limits, and the law regarding these services.

To that end, information was gathered from every possible source. NH Standards and Training, LGC Attorneys, Veteran Fire Chief, Rick Lothrop (who worked extremely hard on this), the Town’s attorney, The Town’s liability risk manager at LGC, NH Fire Chief of Standards and Training, Dennis Rosolen, and other Fire departments.

They all supplied important information to help this Board make an informed decision.

One piece was given to Edie by a family member who is a full time firefighter. It was a protocol book showing different training levels and the scope of practice for each.

One day a member of the Nelson Fire Department was in the office on other business. He made idle conversation and asked Edie if her son was a Keene Fireman. He was told no but her son-in-law is. The person went on to say he had visited the Keene department to look over the truck that Nelson will be purchasing from Keene. He then asked the name of her son-in-law and he was told.

Within a few days, Edie received a call at the office reporting that a member of the Nelson Fire Department filed a complaint against her son-in-law (by name) regarding inappropriate breaches of confidentiality.

What he gave was a protocol book published by NH Standards and Training. This book is not confidential but rather a training reference guide used by all departments.

This is the type of rumor and behavior the Board and the Town office has been dealing with while trying to address the important aspects of this situation.

The Board’s obligation is clear. Careful consideration now can prevent these problems in the future.

David gave a complete review of the work involved in creating the job descriptions for the Fire Department. Information was received from a number of experienced individuals including LGC attorneys, NH Fire Chief of Training & Certification Dennis Rosolen, Rick Lothrop, and Ron O'Keefe who served as Fire Chief of Durham NH for many years. Their experience and understanding of the responsibility of heading a Fire Department was a great help to the Board. David reported that the job descriptions have now been approved and the application period has been reopened. The positions will be offered only to the current members of the Fire Department at this time.

David reported that Ron O'Keefe will make a presentation on the many aspects of risk management in towns. The public is encouraged to attend along with the Board and the Fire department.

Paperwork was presented for review and signing.

Susan reviewed the manifest and reported it to be complete. She made a motion to approve the manifest as presented. Maury seconded the motion. The motion then carried by a vote of 3-0.

David then made a motion to approve letters to the churches in Town asking for their assistance in developing parking plans during heavy traffic events.

Maury seconded the motion.

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

The letters reference the duty of the Town to enforce the parking laws in a fair and evenhanded way. (This to abide by a writ of mandamus filed in Superior Court)

The only issue remaining required a Non-public session concerning a personnel and legal issue. At 7:10 PM David made a motion to move to Non-public session in accordance with RSA 91-A:3 II (a&c&e).

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)]

Personnel, Cause harm to reputation of another, Legal

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

Minutes of Non-Public Session

Date: June 12, 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.

 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.

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 7:10 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:

After a full review of the information and plans for solving the legal matter the Board was ready to move back to public session.

Before closing 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.

Susan – Aye, Maury – Aye, David – Aye

At 7:56 PM David made a motion to return to public session.

Maury 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 David AND SECONDED BY Maury

ROLL CALL VOTE Susan - Yes

Maury - Yes

David - Yes

The Board Reconvened the Public Session at 7:56 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 8:00 PM.

June 12, 2013

David Upton, Chair

Maury Collins

Susan Hansel