

ALTON BOARD OF SELECTMEN

Meeting Minutes

Public Session I

November 9, 2015

6:00 PM

1 Monument Square

Alton, NH 03809

Approved: December 21, 2015

Cydney Johnson convened the meeting at 6:00 PM and led the assembly in the Pledge of Allegiance to the Flag and a Moment of Silence. The following members and staff were present:

Cydney Johnson, Chairwoman
Lou LaCourse, Vice Chairman
Philip V. Wittmann, Selectman
Virgil MacDonald, Selectman
Marc DeCoff, Selectman
E. Russell Bailey, Town Administrator

Approval of the Agenda

Marc DeCoff made a motion to approve the agenda as presented. E. Russell Bailey requested adding #7 to Old Business; letter received on Friday from the Water Department and #2 to New Business; request for signage on Prospect Mountain Road. Marc DeCoff made a motion to approve the agenda as amended and Virgil MacDonald seconded with all in favor of the motion.

Appointments: None

Announcements:

- Town Offices will be closed on Wednesday, November 11th in honor of Veteran's Day.
- Town Offices will be closed on Thursday and Friday, November 26th and 27th in celebration of the Thanksgiving holiday. The Solid Waste Center is open on Friday the 27th.
- The Old Home Week Committee would like to invite interested parties to attend their meetings which are held the first Tuesday of each month at the Town Hall.

Selectmen's Committee Report

Phil Wittmann reported that the Parks and Recreation Commission had met and discussed suggestions for Warrant Articles regarding ADA accessibility in the bay area and a master plan for Jones Field.

Lou LaCourse thanked Virgil MacDonald for covering the Budget Committee meeting. At the previous meeting the discussion was with the Library, Cemetery, Town Clerk, Highway and Solid Waste Departments. He also reported that ZBA met and had three (3) requests that were forwarded to the December 3rd meeting. The others properties were all approved bringing them to a more conforming status.

Lou LaCourse noted that a letter was received from Police Chief Ryan Heath in response to Mr. Howard's allegations against the Police Department.

Lou LaCourse made a motion that the letter from the Police Chief in response to Ray Howard be read into the record and Marc DeCoff seconded with all in favor of the motion.

Cydney Johnson read the letter into the record as requested:

Memo

To: Alton Board of Selectmen

From: Chief Ryan L. Heath

Date: October 27, 2015

Re: Raymond Howard's Allegations

I have received a copy of the statement presented by Raymond Howard during the Board of Selectmen meeting on October 26, 2015. Foremost, Mr. Howard's assertion that several of his neighbors "expressed no confidence" or are "afraid of retaliation" if they file a complaint with this department is regrettable, and frankly surprising. I can assure those residents that any comments, questions, concerns, or complaints they have about this department or any of its personnel are not only welcomed, they are strongly encouraged. I, and my entire staff, fully recognize our responsibility and accountability to the citizens we serve. In keeping to this commitment, I offer the following explanation of the events occurring on August 24, 2015 at or about 4:32 p.m.

Background of the Call Requiring Emergency Response

The call referenced in the complaint was initiated through E911 and relayed through Belknap County Dispatch. The information provided to the officers was that a female teenager had ingested 18 pills and was being combative. The nature of this call justified an emergency response under department policy. Officers responded from the downtown area with lights and sirens activated in accordance with NH RSA 265:8 and department policy. To my knowledge, no other complaints or concerns have been raised about this response by any other party.

I have highlighted and separated Mr. Howard's allegations for ease of explanation. They have been copied verbatim from his written statement.

“...Alton cruiser’s traveling westerly one being a Dodge Durango in the lead and the other a Dodge Charger close behind were estimated to be exciding speeds of 70 plus miles per hour...” *(Page 1, paragraph 3)*

Both officers responding to this incident estimate their top speeds to be approximately 50 mph on Stockbridge Corner Rd. This complies with department policy. It is unclear how Mr. Howard arrived at the estimate of 70 mph. It is an appreciable fact that estimating speeds of a passing vehicle is difficult and can be compounded by making an assessment from a perpendicular viewpoint. This is why you see patrol cars parked parallel to the roadway when monitoring traffic. Furthermore, the road design and limitations of the Durango would make such a high speed implausible.

“...one resident went up the road to see what was happening he observed the gravel portion of our road was turn up from the cruisers sliding around the corners.” *(Page 1, paragraph 3)*

Although there is no definitive proof, it may be possible that tire marks were visible on the dirt road, especially with the aggressive treads on the Durango. However, the mere presence of visible markings would not confirm the officers were “sliding around corners.” Both of the responding officers remained in control of their vehicles at all times, and neither of them experienced “sliding” as alleged here.

“Upon arrival at Dudley road a resident at the end of his driveway stated that the charger turned into 314 Dudley road with the Durango right behind. That means at some point the Charger passed the Durango traveling at those speeds on this hilly windy road with many blind or poor site distant driveways.” *(Page 1, paragraph 3)*

Both of the responding officers denied that any cruiser passed another during this response. It was noted that after the officers were on scene, a cruiser was moved to allow access for the ambulance. It is unclear whether this may have been a cause for the ordering of the cruisers to change.

“...the difference was one tenth of a mile. Plus Dudley is a much safer paved road.” “...the lack of respect of tax payers equipment, running two cruisers to assist an ambulance doubles the mileage on them for no good purpose and beating them up on a rough dirt road shows total disregard of the taxpayers money” *(Page 1, last paragraph & Page 2, second paragraph, respectively)*

When responding to emergency calls, officers make their best effort to get to the scene in as safe, efficient, and direct a manner as possible. The responding officers were familiar with the location of the residence being toward the Stockbridge Corner end of Dudley rather than the Route 28 end, prompting the decision to approach from Stockbridge Corner Rd. The rationale Mr. Howard is applying to this decision process is excessively critical and rather illogical. Should the determining factor in police and/or fire department emergency response be wholly

influenced on whether there is a dirt road or not? The officers simply made an assessment about the quickest route to get to the emergency.

Two officers responded to this call due to the combative behavior of the person. The safety of the persons involved, as well as the officers and ambulance personnel, should never be sacrificed for the sake of a few miles on the cruisers. It is troubling that Mr. Howard, even after receiving information about this incident, would say the response was “for no good purpose.” I believe the people served that day may disagree.

I, along with all of my personnel, fully comprehend that we have been entrusted with a significant investment from the community in terms of equipment and tools to perform our service. No one appreciates or cares more about the proper use, maintenance, and serviceability of our cars than the officers that risk their lives in them every day. No officer in this department purposely or willfully operates in a manner to beat up these cruisers. It is an inescapable reality that some of our roadways are dirt, have pot holes, or are in need of repaving. Does Mr. Howard propose we avoid all roads that are not in pristine condition? Residents in those areas are just as deserving of our routine patrols and our emergency responses.

“Never seeing the ambulance I think the officers were racing each other to beat the ambulance to the seen.” *(Page 2, top paragraph)*

Police and ambulance personnel were dispatched to this call. Under these particular circumstances, protocol dictates that police officers will enter the location first to ensure the scene is safe for the ambulance personnel. It is not uncommon for the ambulance to arrive first and stage (i.e. park near the call location but not pull onto the scene) until the police officers arrive, enter the scene, and render it safe for entry. In an overdose scenario such as this, it is obvious that the efficiency of arriving on scene and clearing medical personnel to approach can be the difference between life and death. However, Mr. Howard’s implication that the officers’ motive for their emergency response was for sport rather than a duty of care is a gross exaggeration and is categorically false. Each and every time an officer makes an emergency response, he is acutely aware that he is placing not only the public, but also himself at risk of injury or death. The insinuation that these officers were responding with an adolescent, joy-riding mentality is baseless and insulting.

“...the lady on the horse she told me later when riding the road home the two cruiser returning down the road one slowed and showed respect but the Charger went by like she was not even there.” *(Page 2, third paragraph)*

After the emergency concluded, the officers were no longer operating with lights or sirens activated. It is a bit vague on exactly what is meant by the statement that one showed respect and the other did not. Both officers proceeded past the horse without excessive acceleration or unnecessary noise to startle the horse.

Conclusion:

Sergeant Dennis Orbino and Officer Jamison Fellows appropriately responded to this emergency event, and their actions complied with department general orders and state statutory requirements. The responsibility of operating emergency vehicles is a heavy burden, and I have complete confidence that our officers consistently guide their performance with the weight of this responsibility in mind.

It is unfortunate that Mr. Howard feels so strongly against myself and the officers that serve this community. If there is a way to dissuade his resentment, I certainly would like to try. Regrettably, the vitriol with which he has described these officers and his stated contempt for me personally, makes such an opportunity seem doubtful. It is my sincere hope that my explanations presented here will help the members of the board to understand and appreciate the often competing needs our officers face on a daily basis.

Respectfully Submitted,
Chief Ryan L. Heath

The Board was in agreement and very pleased that the letter from Chief Heath addressed all of Mr. Howard's concerns.

Chairwoman Cydney Johnson recommended that this complaint be considered closed. It was the consensus of the Board to consider this matter closed.

E. Russell Bailey suggested to the Board that a copy of Chief Heath's response be sent to Mr. Howard. The Board was in agreement as well as stating that if Mr. Howard had any further concerns that he get together with the Chief directly.

Town Administrator's Report and Updates

Health Insurance

Last year our dental coverage was changed to MetLife as it was a bit less and better coverage. It has been brought to our attention that Delta Dental can give us an improved rate equal to \$1,400.00 for the year to revert back to coverage through them. In the end the employee would get more coverage from Delta Dental due to its wide range of acceptance.

Marc DeCoff made a motion to switch dental coverage to Delta Dental for 2016 and Virgil MacDonald seconded with all in favor of the motion.

Budget Committee Schedule

The Budget Committee has changed their schedule around; all department heads have met, there are still some small departments to be discussed. The school will be meeting with the Budget Committee on November 17th and 18th and December 2nd. December 9th is the date that the town needs to be ready to present the Warrant Articles to the Budget Committee.

Hazard Mitigation Grant

There is a Hazard Mitigation Grant acting through the Lakes Region Planning Commission (LRPC) which will assist us with updating our Hazard Mitigation Plan. This plan needs to be in place for large projects such as box culverts in order to apply for any grant. Several months ago a Selectman inquired as to the terms and binding obligations of the grant for the town. The Board needs to review the grant and agree to have the Hazard Mitigation Plan updated. The grant is not to the Town of Alton, it is between the Lakes Region Planning Commission and the State; LRPC will provide services to the town and to several other towns.

Lou LaCourse made a motion to allow the Lakes Region Planning Commission to assist us with updating the Hazard Mitigation Grant and Virgil MacDonald seconded with all in favor of the motion.

Public Input I

Steve Miller approached the Board stating that the Water Department requested to have an appointment before the Board and it was denied. E. Russell Bailey clarified that there was never a request for an appointment; a letter was received in the office but no appointment was requested. Mr. Miller further stated that there is a leak under the bridge down at the Bay which is going to cost 100K; there is approximately 85K in the Capital Reserve which is not enough money to do the project and noted that looking at the Water Department budget, the revenues equal the expenses. Steve Miller also stated that he was speaking as a resident not as a Water Commissioner. He further stated that this 100K problem in the end will be owned by the Selectmen, one way or the other. There is significant jeopardy of the people losing services on the other side of the bridge; sooner or later, they are losing water. Steve mentioned that he has a Petition Article circulating for the town to take over the Water Department for management. He believes that the Water Commissioners are looking for a loan for the water department for 100K to fix the leak at whatever interest rate is appropriate. Mr. Miller is urging the Board to make an appointment with the Water Commissioners and the Water Superintendent to discuss the matter, to get this done and to take it really serious.

Cydney Johnson stated that this has been added to tonight's agenda as #7 under Old Business by the Town Administrator and this matter will be discussed tonight.

Steve Miller had one last request which was reading the proposed Petition Article into the record.

The request was granted and read as follows noting that it is a draft:

Draft Petition Article

We, the following duly registered voters in the Town of Alton, do hereby respectfully submit the following article to be placed on the warrant for the 2016 annual meeting.

*“Shall we discontinue the Water Commissioners as established under RSA 38:18 and delegate the construction, management, control and direction of the water department to the Board of Selectmen? If approved, to be effective 90 days following the date of the 2016 annual meeting.”
(A majority vote is required)*

Approval of Selectmen’s Minutes

October 26, 2015

Marc DeCoff made a motion to approve the minutes of Public Session I, October 26, 2015 and Lou LaCourse seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Non Public Session, October 26, 2015 opening #2, 3 & 4 and Lou LaCourse seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Public Session II, October 26, 2015 and Cydney Johnson seconded with all in favor of the motion.

November 2, 2015

Marc DeCoff made a motion to approve the minutes of Public Workshop Session I, November 2, 2015 and Lou LaCourse seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Non Public Workshop Session, November 2, 2015 opening none and Lou LaCourse seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Public Workshop Session II, November 2, 2015 and Virgil MacDonald seconded with all in favor of the motion.

Old Business:

2015 Project Status Update

Highway Reconstruction: All work is complete except a small amount on Bay Hill Road which Ken Roberts is working closely with the paving company.

Sidewalks: The work is scheduled for 2016 along with a proposed Warrant Article for additional funding which would allow the work to be expanded from the Mount Washington dock to around the corner at Bizzy Corner. The issue is in front of Bizzy Corner and Irwin Marine; the easements were discussed with Virgil MacDonald

suggesting that the involved parties (businesses) be contacted and possibly having them pay for their portion of the sidewalks and if they don't want to then it doesn't get done in front of their business. E. Russell Bailey responded that usually the parties are contacted by the town who then requests and obtains easements from the businesses. All the work will be done under the town wide sidewalk improvements. It ultimately will be the decision of the Board on how the project will be handled. Cydney Johnson and Marc DeCoff both agreed with Russ for obtaining the easements, as it benefits all residents of the town to use them. This can be brought forward at another meeting.

Pearson Road Community/Senior Center: The work was scheduled to begin today, depending on the electrician, which is ripping out the wall and cutting the concrete. The exact measurements for the curtain will be confirmed as previously approved; once that work is done then the floor and molding will be done along with possibly a few minor electrical lights needing to be hung; this is the final phase of the building. The building is 4' larger than originally planned therefore the parking area will need to be expanded 4' towards Old Wolfeboro Road to allow for sufficient turning and parking. Next year the main work will be the outside work with a possible issue of a sidewalk in front of the new area where the parking will be located. The walkway was not included in the original project. E. Russell Bailey noted that there should be sufficient funding due to the additional 125K that was approved at Town meeting.

Roberts Cove Beach: The beach itself is done and the paperwork has been sent to Attorney James Sessler for the easement for the additional parking area across the street that is being donated by the property owner. E. Russell Bailey needs to talk with the snowmobile club in reference to doing some planking on the beach area to protect the granite, the grass and sand areas for the winter for the bob houses and snowmobiles. Russ is not sure if the snowmobile club has been maintaining the area; he will be contacting the Powdermill Snowmobile Club and if they are not maintaining the area then the town may need to and he will come back to the Board in order for the town to protect it.

2015 Tax Rate

The new tax rate has been finalized and set at \$14.27; the Town rate is down by 7% but the overall rate is up 3% due to the school tax rate increase of approximately 9%. The tax bills are being put together right now and are scheduled to be mailed on November 16th.

2016 Budget/Warrant Articles

A draft of the Warrant Articles was discussed noting that the numbers are not finalized yet as we are waiting on the Zoning/Planning Articles and there are two (2) unique articles that have never been done before, the first #11; to create Revolving

Funds under RSA:31-95H. When a contractor is billed for private details, they can charge for certain things and there is a 15% admin fee, some of the admin fee may be needed to pay for the FICA, Medicare and Retirement because those need to be paid out for the private details, but we don't know what the details will be so it is not included in the budget. Currently we allow a small amount to be put into the operating budget for those expenses. There was discussion on breaking even opposed to making money on the details; by the way this will be handled. The cruiser fees will be extra with 100% going into this fund however the Board will need to make that decision by December 9th. E. Russell Bailey will verify and confirm the numbers on how the overhead is covered.

The second article is #27; Five (5) year lease for the grader and loader for the Highway Department. The way the Article is currently written it is a regular lease with an escape clause and would need a majority vote of 50%. If the escape clause is eliminated and it is treated like debt, it would need one (1) vote the first year and the following four (4) years it would go into the operating budget and stay until it is removed by this Board or another Board. It would be considered a contractual obligation this would also be in the default budget. The equipment can be returned and begin again from roughly 80K to 40K. The decision needs to be how the Article will be written, treated as long term debt with 60% of the vote or treat it as a regular lease which would need to be voted on every year with a 50% vote. No decision needs to be made tonight and Ken will need to portray/inform the people by word of mouth and at the Deliberative Session. Ken is putting the numbers together to show what has been spent to date to put it into prospective. Also, he is pursuing this with just one contractor; this has not gone out to bid yet. By using only one company, the contractor (CAT) will lock in the numbers so that we can put the correct numbers into the Warrant. Basically a decision will need to be made whether to go with just one company and lock the numbers without going out to bid. Until a decision is made we will not have definitive numbers and they may need to be tweaked. The Board needs to decide on this in order to present the Articles to the Budget Committee on December 9th.

The Recreation Commission wants to add two (2) Warrant Articles: a) the Restrooms at the Alton Bay Community Center for ADA compliance in the amount of 15K and b) the development of a Master Plan for Jones Field for improvements and expansion and additions to the fields. No decision is necessary tonight. At the town boat docks, in the wall area, we have about five (5) places where the wall in the swim area is deteriorating and there are a couple of areas at Harmony Park. The Parks and Recreation Department has not been able to get quotes with the work being done at the low water time. The combination of the concrete and rocks is an issue but we can't get work done. This is an issue that is pending and we may not be able to get anyone to do the work this year. E. Russell Bailey will get a copy of the permit to show the Board what type of work has been approved but it is his understanding that it is strictly for repairing the walls.

Selectmen Committee Appointments

There are three (3) committee vacancies due to the retirement of R. Loring Carr that need to be filled:

1. Household Hazardous Waste (HHW)
2. Zoning and Ordinances (ZAC)
3. Old Home Weekend Committee (OHWC)

E. Russell Bailey offered to cover the HHW as the alternate noting that they meet at 7:00/7:30 AM and has been covering the meeting for the last ten (10) years. The ZAC has had issues with having a quorum. Marc DeCoff offered to cover the ZAC and the OHWC. Russ will continue to cover the HHW and will keep Marc DeCoff informed of those meetings. Marc DeCoff will cover the three (3) committee vacancies.

Jones Field Work

Ken Roberts has taken care of the trees and the stumping at Jones Field. The Parks and Recreation Department and the Alton Youth League is requesting approval from the Board for Ken Roberts to use his equipment to knock down and haul away the debris from the two (2) dugouts that have become a hazard due to rotting.

Cydney Johnson made a motion to approve the demolition of the two (2) dugouts at Jones Field by the Highway Department and Phil Wittmann seconded. Further discussion transpired in regards to future work and rebuilding. It was Cydney Johnson's understanding that they had volunteers to do that work. At this time Virgil MacDonald seconded with all in favor of the motion.

Milfoil Bids

E. Russell Bailey noted that this item may need to be brought into Non Public Session due to the fact that there are two (2) bids and the low bidder is not being recommended for the award by the Milfoil Committee. E. Russell Bailey recommends that this item to be held for discussion in Non Public Session.

Virgil MacDonald made a motion to divert this item for discussion during Non Public Session and Marc DeCoff seconded with all in favor of the motion.

Water Department Letter

A letter was received on Friday from the Water Commissioners. E. Russell Bailey had previously spoken to the Water Department about borrowing money from the Town; the request is for 150K. It was explained to the Superintendent that the Town does not have the 150K in the budget right now that could be provided and that the fund balance can only be used under certain circumstances. An emergency would have to be proved and be approved by DRA as well as the Budget Committee. E. Russell Bailey stated that he doesn't know where the confusion started but at no time ever were the Water Commissioners scheduled for an appointment tonight with the Board.

Cydney Johnson made a motion to move this item to Non Public Session under (a) and (c) and Phil Wittmann seconded. Steve Miller inquired as to what A & C were? They

were defined as personnel and character/reputation. A question of being discussed in non public was brought forth. The vote was 3 approved, 2 opposed Marc DeCoff and Virgil MacDonald to bring this into Non Public Session.

New Business:

Special Event Application; Big Lake Half Marathon

This is an Annual event and the Police Chief and the Parks and Recreation Department have both signed off on the event.

Lou LaCourse made a motion to approve the Big Lake Half Marathon Special Event Application for May 7, 2016 and Phil Wittmann seconded with all in favor of the motion.

Sign Request ~ Prospect Mountain Road

There is a request for two (2) deer crossing signs on Prospect Mountain Road. No decision needs to be made tonight. The Highway Department is in favor of the signage but the Police Department is taking no stance on the signage. There was a somewhat lengthy discussion of the rural nature of the roads in town.

Virgil MacDonald made a motion that no signage be put up for the deer and Lou LaCourse seconded with all in favor of the motion.

Public Input II

Steve Miller approached the Board with two (2) concerns: First take 100K out of surplus and loan it to the Water Department as a collateral loan with 2.5 million in surplus there is more than enough in the fund. He also voiced his concern about the CAT not going out for bid. Stating that there is a lot of room for commissions and interest expenses and that it should be put out for bid with a ten (10) day interest rate lock clause or possibly a five (5) day lock doing this around the period of the Deliberative Session so that everybody competes for the same equipment with the same interest rate. Marc DeCoff inquired of Mr. Miller as to why the Water Commissioner's are asking for 150K opposed to only needing 100K? The 100K will only take care of the issue at hand and nothing else and he would personally he would only ask for the 100K but he would be very happy with the 150K.

At this time Cydney Johnson called on E. Russell Bailey to correct a couple of statements.

1. E. Russell Bailey noted that the Fund Balance was 2.3 million for this year but 500K was just approved to reduce the tax rate so the Fund Balance would be at approximately 1.8 million.
2. The Board cannot just vote to use the money; based on the RSA it covers emergencies and you would need to prove it is an emergency. A Public Hearing

would need to be held and the Budget Committee would need to be involved, it would then need to be sent to DRA for their Commissioners to approve; in order to expend money out of that fund; that is the procedure.

Non-Public Session:

Cydney Johnson made a motion to enter into non-public session pursuant to RSA91-A:3, II (a) personnel (c) character/reputation and (e) claims/litigation and Virgil MacDonald seconded. The Board was polled in the affirmative with all in favor of the motion.

The meeting adjourned at 7:15 PM.

Respectfully submitted,

Mary K. Jarvis
Recording Secretary