

ALTON BOARD OF SELECTMEN  
Minutes  
May 16, 2022  
*(Approved - June 6, 2022)*

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Chairman B. Mitchell convened the meeting at 6:00 PM.

B. Mitchell led the assembly in the Pledge of Allegiance to the Flag and a Moment of Silence. The following staff members were present:

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Brock Mitchell, Chairman  
Paul LaRochelle, Vice-Chairman  
Reuben Wentworth, Selectman  
Bob Holt, Selectman, Selectman  
Andrew Morse, Selectmen  
Ryan Heath, Town Administrator

**Agenda Approval**

B. Holt made a motion to approve the agenda as written and P. LaRochelle seconded with all in favor of the motion.

**Announcements**

- The Public Participation Policy applies to all Selectmen meetings. A copy of it is on the back of each agenda, posted in this meeting room, and on our website.
- The Town Clerk/ Tax Collector's Office will be closed on Wednesday, June 8, 2022 to attend the Lakes Region Town Clerk Spring Workshop

**Public Input I (limited to 3 minutes per person on agenda items only)**

None

**Appointments**

None

**New Business**

1. Alton Youth League - Sales and Solicitation License Application - Approval

R. Heath stated that the Alton Youth League has had a complete change of people. They were not aware of what permitting was needed as far as the Snack Shack goes. They operate it every year during baseball season. They use pre-packaged foods. He allowed them to sell out of the Snack Shack without any objections from Parks & Rec. until the proper paperwork could go before the Board.

P. LaRochelle made a motion to approve the application for Alton Youth League and B. Holt seconded with all in favor of the motion.

2. Public Works Department - Right of Way Permit - Trask Side Road

S. Kinmond approached the table. He explained the memo in the packet. This is for a resident on Trask Side Road. These have been done in the past. This is a directional boring request. B. Holt asked if he had any problems with it. S. Kinmond stated that he did not. He would rather have him do a directional boring than digging up the pavement.

P. LaRochelle made a motion to approve the permit for street excavation for boring for utilities on Right of Way Permit and A. Morse seconded with all in favor of the motion.

3. Public Works Department/ Solid Waste Department - Disposal Fee Changes Recommendations

S. Kinmond remained at the table. He stated that S. Simonds brought it to his attention that since he has been there, there have not been any fee changes. There is a high influx of commercial dumping of yard waste and brush. The brush cost went up considerably last year. S. Simonds is recommending that there be a fee assessed on commercial people who are hauling in brush and debris. Residents would still be at no cost. R. Wentworth asked if we charge for Commercial Use. S. Kinmond stated that

he thinks that only one contractor that still does it. He believes that they are charged. R. Wentworth stated that the only thing that he sees not changing is the shingles, clean and unpainted wood. Everything else is being doubled in price. Per pound price should go up.

R. Wentworth made a motion to approve the fees and schedules submitted by the Public Works Director, S. Kinmond and requested by the Solid Waste Director, S. Simonds as printed for May 16, 2022 with the exception of raising the Demolition - shingle, clean and painted wood price to .10 per pound and P. LaRochelle seconded with all in favor of the motion.

R. Wentworth made a motion to institute these new fees for the Solid Waste Center July 1, 2022 and B. Holt seconded with all in favor of the motion.

4. IT Department - Antivirus Purchase - Approval

J. Monaco approached the table. He explained that this is the renewal of the antivirus subscription. It is coming up in September. Most of the cost is in the operating budget. He is looking to get approval to spend that and to increase the email protection at the same time. It would be \$2,378.00. P. LaRochelle asked if this is just for this year. J. Monaco stated that it is. B. Holt asked what account that would be taken out of. J. Monaco stated that it would be the Security line.

R. Wentworth made a motion to approve the IT Department to purchase security software for \$7,864.36, \$5,000.00 coming out of the Operating Budget and \$2,378.00 coming out of the Capital Reserve Fund and B. Mitchell seconded with all in favor of the motion.

5. Prosecutor Contract - Approval

R. Heath stated that this is the annual Police Prosecutor's Contract. This is the same contract that the Board had negotiated. The only increases are those agreed upon during the renewal.

R. Wentworth made a motion to approve the Prosecutor's contract for the amount of \$4,472.97 and B. Mitchell seconded with all in favor of the motion.

Old Business

1. Public Works Department - Generator Contract Extension

S. Kinmond approached the table. He explained that the contract is due to expire this year. He did reach out to the current vendor and asked if they are willing to continue to service. They indicated that they will for a 1, 3, or 5-year.

B. Mitchell made a motion to sign a contract with Scherbon Consolidated, Inc. for the generator services for a 5-year contract at the current rate that we are at right now \$1,850.00 and P. LaRochelle seconded with all in favor of the motion.

2. Public Works Department - Storm Water Asset Management Grant - Signator Approval

S. Kinmond remained at the table. He explained that all things that need to go through the Governor and Council need to have a formal motion made to authorize a signor. We won't physically get this money until at least the fall.

P. LaRochelle made a motion to authorize S. Kinmond, Public Works Director the authority to enter into an Asset Management Grant Agreement with NH Department of Environmental Services to fund a Storm Water Asset Management Project and to sign/execute any documents necessary to effectuate this grant agreement on behalf of the Town of Aiton and also to include the Town Administrator also to witness and sign for this agreement and B. Mitchell seconded with all in favor of the motion.

3. Public Works Department - 2022 Fleet Vehicle Bid - Award

S. Kinmond remained at the table. This was tabled at the last meeting. We are looking at close to 12 months for delivery on any piece of equipment. This bid is to replace the 2010 Ford F550 which will be traded and the 2016 Dodge pickup truck. That vehicle would then be transferred from Highway to the Cemetery Department. These are all Highway vehicles and are not for any other departments. R. Wentworth stated that he would recommend not selling the truck to the Cemetery Department. It would be better to leave it as a Highway Department truck and let the Cemetery use it. By law we cannot use that truck if it belongs to the Cemetery Department. That is because of the way the funds are worked in the Cemetery Department.

R. Wentworth made a motion to approve the quote for the 2023 F550 at \$79,310.00 and quote price for the 2023 F3350 at \$48,003.00 and B. Holt seconded with all in favor of the motion.

Selectmen Reports

B. Holt had nothing to report.

A. Morse had nothing to report.

R. Wentworth stated that the Conservation Commission met last week and went over a few wetlands permits. The second thing is the NH Route 11 Alton/ Gilford Corridor. The advisory committee met and came up with some conceptual drawings.

P. LaRochelle had nothing to report.

B. Mitchell had nothing to report.

#### Town Administrator Report

R. Heath stated that the first thing that he has are the emails that were included in the Board's packets in reference to the dedication ceremony at Downing's Landing. The Town was supposed to be notified and it was an error on their part. They are focused on the overflow parking from the restaurant. They have taken a lot of effort to try and cap that.

R. Heath stated that the Robert's Cove visit discussion is going to be done. What is being waited on is the bid to close on the bridge to know what the design was going to be.

R. Heath stated that he has the Tax Warrant for signatures tonight.

R. Heath stated that the booklet on the table tonight is from the Joint Loss Management Committee. This policy is lengthy and it is just being seen tonight. Up to this point the Town did not have a safety policy. Not having this policy was a violation when the Department of Labor did their inspection. The proposal to the Board is to adopt it tonight. It can be amended at any time. B. Holt stated that it is a pleasure to see this. He asked about a year ago about the Joint Loss Management and was told there is an active committee. He checked with the secretary when the last meeting was and she had no record of it. R. Wentworth asked if this safety policy was going to be given to all employees and have them sign off on it. He sees nothing in there for discipline. What are the consequences. R. Heath stated the JLMC does not have any discipline authority. Discussion ensued in relation to discipline. C. Mitchell approached the table. She is the Chairman of the Committee. The manual that is being looked at right now is to protect workers falling under the Town of Alton. Not a guideline for the workers to conduct practices. This document says as employers are making a safe work place. If this is not adopted than we are not in compliance with the Department of Labor.

B. Mitchell made a motion to adopt the Joint Loss Management Committee Safety Manual and revisit in two months if there are any amendments that anyone wants to make, make them from now to the two-month period and have this in play so it protects us from the Labor Board and B. Holt seconded with 4 in favor and 1 against (RW) the motion.

R. Heath stated that the next thing was an email from the Deputy Fire Chief, Evan Turcotte. It is in reference to the Assembly Permit for the Meeting Room. That Assembly Permit is for 150 people. That capacity is determined by square footage. By changing the configuration to a table and chairs use it changes it to just under 100 people. If that configuration is changes than a sprinkler system is not needed. There are some things that will need to be changed in order to do that. He presented ideas on seating with tables and chairs. There are currently 57 chairs in the room. B. Mitchell asked where that would put the Board. R. Heath stated that would be on the stage. R. Wentworth stated that doesn't understand why the tables and chairs are needed. R. Heath explained how the room was measured for the tables and chairs. R. Wentworth stated that he will not sit on the stage. He will sit down in the audience. He doesn't feel the Selectmen should look down on the audience. There were other options that were discussed to do with the Selectmen's table. R. Wentworth asked if there was money in the budget this year to do this. R. Heath stated that he looked into the Clough Morrill Fund and the Heidke Fund. P. LaRochelle asked if they could entertain the idea of putting the table on the floor and moving the stage back.

B. Holt made a motion to table this until the next meeting with further information and P. LaRochelle seconded with al in favor of the motion.

R. Heath stated that the last item is a letter from the Attorney General's Office. It is a public document now. It is the Attorney General's decision. He would like to read the letter into the record.

April 25, 2022

Dear Director Scippo,

*On March 10, 2022, this office received your referral concerning potential criminal conduct by the Town of Alton via its Board of Selectman (collectively, the "Town") and former Chief of Police Ryan Heath in connection with an employment agreement entered into between the two on January 25, 2022. Specifically, the concern was that the Town and Mr. Heath may be unlawfully manipulating the New Hampshire Retirement System ("NHRS") pursuant to that agreement.*

*This Office's Public Integrity Unit ("PIU") reviews complaints and referrals concerning potential criminal conduct by state official and law enforcement officers. As a threshold matter, the PIU first determines whether, based on the information provided and additional information collected by this Office, there is reasonable suspicion to believe that further investigation would lead to probable cause that a crime was committed. That standard was applied to the review of the information provided by you and obtained by the PIU.*

*The PIU's review initially included the information you provided to this Office in your referral. The PIU then collected and reviewed the employment agreement between the Town and Mr. Heath. In addition, the PIU interviewed Mr. Heath, Alton Chief of Police Todd MacDougall, and NHRS Associate Counsel and Compliance Officer Mark F. Cavanaugh, Esq.*

In your referral, you also noted that a "Form B" submitted by Alton Chief of Police Todd MacDougall may have contained a misrepresentation of fact regarding Mr. Heath's employment status. As you know, this Office's investigation revealed that Chief MacDougall had accurately reported Mr. Heath's employment status consistent with the terms of the employment agreement at issue. It is this Office's understanding that Chief MacDougall submitted a new Form B on March 15, 2022, to reflect M. Heath updated employment status pursuant to a revised employment agreement between the parties.

After a thorough review of the foregoing materials and interviews, this Office has concluded that there is no reasonable suspicion to believe that further investigation would lead to probable cause that either the Town or Mr. Heath committed a criminal offense in connection with this matter. In short, this Office's investigation revealed that the parties were not at any point attempting to unlawfully manipulate the NHRS, but rather were in communication with the NHRS and attempting to navigate the complexities of the system in drafting the employment agreement at issue. To that end, with NHRS's assistance, the parties have apparently achieved an alternative solution that satisfies their respective needs and a new employment agreement has been drafted. Accordingly, as there is no evidence of criminal activity in this matter, this Office will take no further action in this matter. This matter is referred back to you so that the New Hampshire Police Standards and Training Council may take whatever administrative action deemed necessary.

Thank you for your time and the attention you have given to this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,  
Zachary C. Wolf  
Attorney  
Criminal Justice Bureau  
NH Attorney General's Office

B. Mitchell stated that this letter says that the Board of Alton Selectmen was accused of committing a crime. He is wondering why he didn't know that. He stated that it doesn't have to be tonight but he would like some clarification on this. R. Heath recommends that the document itself is public but any further discussion the Board wanted to have he recommends holding that discussion in Non-Public. B. Holt stated that there were some accusations made. R. Wentworth asked if it stated where that investigation came from. R. Heath stated that it did not. R. Wentworth stated that he admitted to calling the Attorney General's Office on an issue but not this issue. P. LaRochelle stated that he did speak on one occasion about the pay situation from the Police Department to the Town Administrator. R. Wentworth stated he had a concern which is in the minutes and he admitted to it but it had nothing to do with the Retirement System.

#### Approval of Minutes

##### April 27, 2022 Public Session

B. Holt made a motion to approve the minutes of April 27, 2022 Public Session and P. LaRochelle seconded with all in favor of motion.

##### April 27, 2022 Non-Public Session

R. Wentworth made a motion to approve the minutes of April 27, 2022 Non-Public Session releasing none and B. Holt seconded with all in favor of the motion.

##### May 2, 2022 Public Session

B. Holt made a motion to approve the minutes of May 2, 2022 Public Session and P. LaRochelle seconded with 4 in favor and 1 abstention (BM).

#### Consent Agenda Approval

R. Wentworth made a motion to approve the Consent Agenda as presented and P. LaRochelle seconded with all in favor of the motion.

1. Public Works Department Department  
Joshua Smart, Solid Waste Facility Operator Certification, \$22.35/hr, to \$22.60/hr effective 3/21/2022  
Robert Klingensmith, Solid Waste Facility Certification, \$20.70/hr to \$20.95/hr, effective 5/9/2022
2. Police Department  
Michael Beauchamp, Full-Time to Part-Time, \$32.46/hr to \$27.50/hr, effective 5/8/2022
3. Grounds & Maintenance Department  
Andrew Jackson, Merit, \$17.00/hr to \$17.60/hr, effective 1/1/2022

#### Discretionary Action on Requests for Appointments (No discussion, majority vote required to allow/not allow appointment)

None

**Public Input II (limited to 5 minutes per person on any Governmental/Town Business)**

L. Carr approached the table. He doesn't understand about the square footage. R. Heath stated the factor that they have to use is to multiply or divide the square footage by for seated space or standing only is 7 feet per person. If you have tables and chairs that multiplier is 15 versus 7.

**Non-Public Session**

B. Mitchell moved at 7:50 pm to enter into Nonpublic Session under RSA 91-A: 3, II, a (employee matters), d (acquisition of property), e (litigation), and l (legal advice) P. LaRochelle seconded. Roll call vote:

B. Mitchell - yes	P. LaRochelle - yes	R. Wentworth - yes
R. Holt - yes	A. Morse - yes	<u>Roll call vote carried unanimously.</u>

At 7:50pm Chairman Mitchell convened the nonpublic session with the following people present:

- B. Mitchell, Chairman
- P. LaRochelle, Vice Chairman
- R. Wentworth, Selectmen
- A. Morse, Selectmen
- R. Heath, Town Administrator
- S. Kinmond, PWD

8:00 pm PWD S. Kinmond leaves the room.

B. Mitchell moved at 8:56 pm to exit nonpublic session. R. Holt seconded. Roll call vote:

B. Mitchell - yes	P. LaRochelle - yes	R. Wentworth - yes
R. Holt - yes	A. Morse - yes	<u>Roll call vote carried unanimously.</u>

B. Mitchell moved to 'not divulge' the minutes because divulgence of the information likely would affect adversely the reputation of any person other than a member of this board or render the proposed action of the board ineffective. R. Holt seconded. Roll call vote:

B. Mitchell - yes	P. LaRochelle - yes	R. Wentworth - yes
R. Holt - Yes	A. Morse - yes	<u>Roll call vote carried unanimously.</u>

**Public Actions:**

R. Holt motioned to pay R. Heath \$50 more per week to cover the cost of the survivorship benefits lost for the life of his employment with the Town. A. Morse seconded. Motion carried 3-2. (R. Wentworth and P. LaRochelle opposed)

**Adjournment**

R. Wentworth moved at 8:58 pm to adjourn. B. Mitchell seconded. Motion carried.

Respectfully Submitted,

Stacy L. Bailey  
Recording Secretary