

ALTON BOARD OF SELECTMEN

Meeting Minutes

November 4, 2013

6:03 PM

1 Monument Square

Alton, NH 03809

Tabled: November 18, 2013 for Review

Approved: December 11, 2013

R. Loring Carr convened the meeting at 6:03 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:

R. Loring Carr, Chairman
Cydne Johnson, Vice Chairman
David Hussey, Selectman
Marc DeCoff, Selectman
Robert Daniels, Selectman
E. Russell Bailey, Town Administrator

Approval of the Agenda

E. Russell Bailey added item #6 under old business Transfer Station Roof Bid and R. Loring Carr added after Selectmen's Committee Reports a discussion on emails.

David Hussey made a motion to approve the agenda as amended and Marc DeCoff seconded with all in favor of the motion.

Appointments

None

Announcements:

Veteran's Day, Monday, November 11, 2013 Town Offices are closed.

Selectmen's Committee Reports

None

R. Loring Carr addressed an issue of several emails from Selectman Robert Daniels. There has been an opinion from Attorney James Sessler which was distributed to the Board for review and discussion. R. Loring Carr read a paragraph from the Attorney's opinion which addressed the Right to Know Law.

"Even though it is not clear whether Mr. Daniels attempted to communicate with the quorum of the Budget Committee in his individual capacity or as a member of the Board of Selectmen or as a member of the Budget Committee itself. It really does not matter in which capacity he intended his communication because he undertook a private communication via email with a quorum of the Budget Committee where he imparted

information, arguments and justifications to the Board outside of the required public scrutiny. Because of this the Budget Committee should disregard his letter completely. The Budget Committee should remove the email communication from its records and it should admonish Mr. Daniels from communicating with them privately and using their private email addresses for the purpose of presenting evidence, arguments and information to the Board no matter what capacity the communication is intended”.

David Hussey made a motion to add the email opinion from Attorney James Sessler to the minutes and R. Loring Carr agreed to reflect it in the minutes (attached). Marc DeCoff questioned whether the email could be added to the minutes due to the disclosure statement and it was agreed that they would get approval from Attorney Sessler.

There was a five (5) page email sent to the Budget Committee by Robert Daniels and R. Loring Carr gave him an opportunity to offer comments. Robert Daniels comment was he did not realize that there was a violation of the Right to Know Law and he was not making any decisions; it was just his personal opinion. R. Loring Carr noted that there had been prior discussions regarding emails and that that there could be an issue with them. There was a question as to the email having been sent to the Selectmen as it had been sent only to the Budget Committee members. R. Loring Carr stated “I think that the Board is taking this very seriously and that we are not going to operate in secret from opinions and it is supposed to be out in the open”. David Hussey believes that any emails from Robert Daniels should be read into public notice. Cydney Johnson had concerns that the emails contradict the stance that you (Bob Daniels) take during a public meeting. R. Loring Carr also has concerns about the issue of Robert Daniels expressing opinions and the public is not hearing them. There is an argument behind the scenes and the public doesn’t know that they exist and everything that is handed out in the meetings are public record. The Budget Committee has been put in a position of violating the Right to Know Law; nobody has responded from the Budget Committee. Cydney Johnson stated “as a public Board we are suppose to conduct business in public, into a public record”. Robert Daniels didn’t believe that communicating by email was inappropriate. It was noted that Mr. Daniels is 100% allowed to have a different opinion than anyone else on the Board; it’s not doing it in public that’s the problem, as an Elected Official you are held to a higher standard of doing business in public. An Elected Official is meant to do business in the open and be transparent and in public. The biggest issue is that Mr. Daniels has the power and authority to vote and change things which is the difference.

R. Loring Carr referred to the next email regarding a workshop that was held. We went through all of the warrant articles and capital improvements and you were asked specifically if you agreed and you said “yes” on every one of them and now we have another email saying now that you aren’t supporting them. Further discussion transpired amongst the Board members. There are concerns

in reference to agreeing or disagreeing and this is not the first instance that we have had a meeting and then gotten an email with conflicting information than what happened in the meeting. Marc DeCoff stated that the items should be read at the meeting.

Moving onto the next email; you resigned from the Budget Committee and now we have an email that states you were forced off. And, lastly what is this email about changing the minutes?

Town Administrator's Report and Updates by E. Russell Bailey

Milfoil program update; the divers have started work in late October and will be about 20 days concentrating on the bridge area, Parker's and Rand Cove, Back Bay by the Mount Washington docks and the town beach and will be moving forward with the divers pulling the Milfoil.

A letter was sent to the county confirming the change in the budget on the regional dispatch system and we need to change our budget, they understand and are acknowledging our letter. We have it in our budget.

Senior Center; the Sr. Center Building Committee has been reviewing the Senior Center and would like a new sign outside the building. A memo was provided to the Board with a breakdown of costs and contributions and what the sign would look like. Marc DeCoff questioned why the Alton Rotary would be on the sign; the Rotary uses the center every Thursday. It is being recommended that the sign be located on the corner of Pearson and Old Wolfeboro Roads. There was discussion about movable sections, lighting and what type of post should be used, if approved we would need several more quotes. E. Russell Bailey was looking for direction from the Board and if they are agreeable to the sign itself. The Pearson Road Community Center is a town building; it should just be a sign announcing the center and shouldn't be specific to groups. Board is in agreement with a permanent sign with removable lettering. The overall concept is acceptable with removable lettering.

Cydney Johnson made a motion to approve the concept of a sign to be placed on the corner of Pearson and Old Wolfeboro Road and that they come back to us with alternative signs. David Hussey seconded with all in favor of the motion.

Public Input I

None

Approval of Selectmen's Minutes

Cydney Johnson made a motion to approve the Public Session I minutes of October 21, 2013 as presented and Marc DeCoff seconded. R. Loring Carr made a correction on page 2; add after non profits "to 1 Article". All were in favor of the motion.

Cydney Johnson made a motion to approve the Non Public Session of October 21, 2013 releasing items 1, 2, 3, 4 and 5; R. Loring Carr questioned releasing item #3 after consideration, Cydney Johnson amended the motion to release 1, 2, 4 and 5 and R. Loring Carr seconded with all in favor of the motion.

Cydney Johnson made a motion to approve the Public Session II minutes of October 21, 2013 and Marc DeCoff seconded with all in favor of the motion.

Cydney Johnson made a motion to approve the Public Workshop Session minutes of October 28, 2013 as presented and Marc DeCoff seconded. The vote was 4 approved, 0 opposed, 1 abstention, David Hussey.

Robert Daniels then brought forth that these were the minutes that he suggested changing to be more accurate and read the following:

The Board of Selectmen discussed the Budget Committee Representative. The Board of Selectmen currently requires the Budget Committee Representative to defend the budget regardless of whether the Budget Committee Representative agrees with the Board majority regarding a budget matter. Robert Daniels explained that as a Budget Committee Representative he believes it is appropriate to inform the Budget Committee as to how the Board majority voted on a particular budget matter and to act as a communication liaison but he is not willing to defend the budget as voted by the majority of the Board of Selectmen. Robert Daniels did not vote to approve the budget as presented to the Budget Committee. The Board of Selectmen then unanimously voted that R. Loring Carr would be the Selectmen's representative to the Budget Committee.

Marc DeCoff would go along with the above as long as is stated that you resigned. Discussion followed regarding the matter. After discussion it was agreed to change the minutes.

Marc DeCoff made a motion to reconsider the minutes and Cydney Johnson seconded with all in favor of the motion.

Cydney Johnson made a motion to add before the last sentence of Robert Daniels change to the minutes that: Robert Daniels resigned as the Board of Selectmen's Representative to the Budget Committee and Marc DeCoff seconded. The vote was 4 approved, 0 opposed, 1 abstention, David Hussey.

Old Business:

Road Reconstruction Update

GMI was here re-grading Depot Street and unless there are weather issues it will be paved this week. Highway will then be moving over to the Senior Center working on drainage and the parking area of the Senior Center and a crew will be working on the septic system. The work at the Senior Center will be about 2 to 3 weeks and the Monument Square project is on hold with no work being done until Spring.

Town Hall Septic Update

The design for the septic system has been sent to DES and approved by the state. We have met with the propane company regarding burying the tank and the generator also needs to be moved 5 to 8 feet, to the left of the stairs. The tree has been removed and there needs to be a new sleeve for the water lines and re-do the gas and electrical lines. The leach field will be done by one of our employees as the installer who is licensed with an additional stipend not to exceed \$500.00. The preliminary work will be done this week. The old system has been capped where it went out to the old leach field. A new sleeve for the water line (Schedule 80) needs to be isolated from the septic.

Town Hall Roof and Trim Bid

We are not ready to make a recommendation yet. There are five (5) bids that range from a low of \$23,600 to a high of \$122,800; there is a possible error on the low bidder. We need to look at the bidders for qualifications and this is contingent on town meeting for funding the project as it is on our list of Warrant Articles. We will need to look at the budget; there are not sufficient funds at this time. After a complete review it will be brought back before the Board.

AVAS LP Gas Furnace Re-bid

We are trying to pursue and be more cost effective by eliminating any kerosene furnaces and the AVAS building is the last building to use K1 and part of that building is not heated therefore duct work would need to be run. They are hot air duct systems with a high efficiency furnace. There is a huge price difference with the bids so the specs need to be checked then we can come back after a review with a recommendation. R. Loring Carr noted that other units should be looked at such as wall mounted units or Rinnai units. Possibly three (3) units would be needed, one in the garage like a Modine type of unit and the other two (2) possibly small wall mounted units which are run off of propane. We will go back and look at other options.

2013/2014 Budget/Warrant

This year's budget, I will be clamping down on some expenditures, waiting on some cost issues with a major concern being snow storms if we get hit with 3 or

4 storms it can cost an extra 20-30K. We are holding tight and waiting to see how things are and will know where we stand in December.

A rough draft of the Warrant was provided; the wording still needs to be fine tuned and need to talk with Attorney James Sessler in reference to the Article on the sale of town property. I have made a note regarding the recommendation that the money being raised from the sale of the property being deposited into the existing Fire Equipment Capital Reserve for their vehicles. The new properties that were just deeded, under the law, during the first three (3) years any extra money raised goes back to the property owner so we would not make anything on those properties. A rough estimate at auction would be 150K to 200K, noting that some of the properties are buildable lots and the new properties have large tax bills owed but it would allow the tax bills to be paid and cover all the costs plus it would put them back on the tax roll and it doesn't make sense to be sitting on these properties.

The numbering cannot be done and finalized until there is a better idea as to the Zoning Articles. In the next couple of meetings we need to determine the order you want the Articles to be placed on the ballot and need to vote each Article for recording the count.

The Operating Budget Article cannot be finished yet and hope to have the rough draft of the default budget for the next meeting, to be voted on and approved.

Marc DeCoff inquired about insurance costs. There is a 7.9% increase on health insurance costs, I had a call on property liability and don't know for sure what it will be but it will be at least 8% and possibly Worker's Comp. rate could be up to 24% but they are not finalized yet. The Worker's Comp is an issue for us and others, and due to a case we had about a year ago, we are in a pool and they look at a six (6) month history. The Trust LGC has split into three (3) separate groups with their own Board of Directors, Property Liability, Health Insurance and the Municipal Association so this may have an impact on the rates. We will look at all options.

Attorney James Sessler needs to be consulted again regarding the language for the Stockbridge Corner Road discontinuance. Normally when you discontinue a road you give up ownership and it reverts to the abutting property owners down the center line, one of the owners is the state and they probably don't want it and it would make more sense to go to the property owner with the u-shaped driveway. We would need to add some wording on top of the normal wording for discontinuance such as: all of the land as described would be deeded over to the abutting property owner. R. Loring Carr suggested the possibility of adding a sign, "Welcome to Alton" with a deeded right to have a town sign on the property where the big rock is located. We can look at this for promoting the town, noting it is not a scenic road.

Robert Daniels asked for clarification on the placement of the Warrant Articles on the ballot and terms of the vote count. It was explained.

The Deliberative Session is Wednesday, February 5, 2014 at the High School.

David Hussey made a motion to confirm the scheduled date for Deliberative Session to be held on Wednesday, February 5, 2014 at the High School at 7:00 PM until finished with a snow date of Thursday, February 6, 2014 and Marc DeCoff seconded with all in favor of the motion.

For Town and School Elections the date is set by State Law and is March 11, 2014. The polls are open from 7:00 AM to 7:00 PM.

R. Loring Carr questioned #24, Roof on the Highway Department we put in 40K and Ken was going to get back to us with a solid number; Russ is still waiting for more information.

Transfer Station Roof Bid

A handout of the original bidders and Scott Simonds' recommendation was provided to the Board. There were three (3) bids; Seacoast Crane, \$38,250.00, Dutton & Garfield, \$49,505.00 and Horne Construction, \$73,000.00.

Scott Simonds reviewed the bids, met with the low bidder and recommends Seacoast Crane for the roof over the metal/shingle area for \$38,250.00. Scott forgot to add in concrete column protectors in the bid, this would be an additional \$1,950.00 for a total of \$40,200.00. David Hussey questioned the addition and it was noted that it would be a change order after the bid was accepted.

Marc DeCoff made a motion to approve Seacoast Crane in the amount of \$38,250.00 as low bidder and do the additional \$1,950.00 for the concrete column protectors as a change order for a total of \$40,200.00 and David Hussey seconded with all in favor of the motion.

E. Russell Bailey requested going back to the tax rate, which is not final yet, there is a need to go over the provided unofficial rate from the DRA that came in today; overall it went down 10 cents. The town rate is about 3 cents different than what had been estimated. The Board had previously approved to use up to 150K of fund balance to keep the rate level funded; does the Board still want to do this and reduce the rate another 12 to 14 cents. R. Loring Carr had concerns with the hit that we are going to get with the ambulance and how we can use those funds to address that. Russ explained that Fund Balance can only be used in two (2) ways to offset or lower the tax rate and the Board as a governing body has the authority. Any other expenditure out of there has to be approved by town meeting unless we are under a declared emergency situation

where we go to DRA. R. Loring Carr mentioned making a trust with E. Russell Bailey commenting not without town meeting vote; there is a Capital Reserve that covers the ambulance, and sooner or later we will have to go another route, for long term. You can use fund balance and put it into a reserve as long as town meeting votes it, you can take fund balance and if town meeting votes, you can put it into a special capital reserve to be used for only that purpose.

Cydney Johnson made a motion that we use enough of the fund balance to level the town portion of the tax rate and Marc DeCoff seconded. E. Russell Bailey mentioned the overlay which had no numbers calculated and we need something in there for refunds, abatements etc. and that has not been calculated in their numbers so I need to talk to DRA. We normally put 40K to 50K in the overlay and will check on that and what would be necessary to bring the rate down to the past year of 2012 to \$3.68. When you count the overlay I may need authorization to go over the 150K.

Marc DeCoff made a motion to allow going to a maximum of 190K including the overlay Cydney Johnson amended her motion to bring down the town portion adding the overlay and not to exceed 190K. Bob Daniels then questioned the range that the DRA requires which is 5% to 15 % of the total assessed value and we are about 9% to 10%, right in the middle of the range and it has been the policy of the Board to keep it in the range 1.8 to 2 million dollar range. We have not had to borrow any money. The vote was 4 approved, 0 opposed and 1 abstention, Robert Daniels.

R. Loring Carr talked about the non profit organizations being on the Warrant with a question of the people voting on putting them on the Warrant or forcing a Petition. Marc DeCoff and Cydney Johnson agreed that the Selectmen are voted into office and that is what we are here for to make that determination then the people can vote the way they feel. This issue did not move forward.

New Business:

Town Report

E. Russell Bailey was looking for recommendations for the Town Report. Cydney Johnson thought that we should hold a photo contest for residents to submit photos for the cover of the town report. The deadline would be January 10, 2014 and the photo would need to be within Alton with the Board being the judges. Also the Board needs to think about a dedication.

Cydney Johnson made a motion to hold a photo contest and Marc DeCoff seconded with all in favor of the motion.

Public Input II

Sheila Shapleigh approached the Board; she was trying to understand the discussion on emails. The questions pertained to Robert Daniels; the Board was polled and had no objections to him answering directly. Mrs. Shapleigh believed it was said that you seldom participate actively in discussions. It was my understanding that you were seldom agreed with by the other Board members so there was not much point of your participation and ultimately this was the purpose of your emails. Robert Daniels responded with “he was trying to explain in advance what he felt and the emails were a means of communication and that they are harmless, but there is a concern that they are not a public document”. Mrs. Shapleigh: It appears that you feel that you are set apart from the rest of the Board in an adversarial position and that cannot be good for the Board or the Town. Putting forth one opinion then taking it back in an email later was also a concern of others.

Cydney Johnson made a motion that we create a policy that no elected or appointed official conducts official business via email and Marc DeCoff seconded. A discussion followed and E. Russell Bailey was consulted. No Board should be sending emails to another Board in reference to an issue that is going to be voted on, from a complete Board. The Right to Know Law already restricts what you are saying as far as a Board operating in any way with emails as far as an individual member sending an email to a staff member, between Boards. To ensure that the Right to Know law is not violated, it would be better that any emails should be directed to a staff member and then the staff member would make sure that they are provided at a public meeting and there should be no emails between different Boards. It is recommended that Attorney Sessler prepared a policy.

Cydney Johnson amended her motion.

Cydney Johnson made a motion to ask Attorney Sessler to draft a policy for us to review regarding email use among Board members and Marc DeCoff seconded with all in favor of the motion.

Non-Public Session

R. Loring Carr 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 Marc DeCoff seconded with all in favor of the motion.

The meeting adjourned at 7:30 PM.

Respectfully submitted,
Mary K. Jarvis
Mary K. Jarvis
Recording Secretary