

*Town of Atkinson
Board of Selectmen
Meeting Minutes
April 6, 2015*

W. Baldwin opened the Regular Meeting of Monday, April 6, 2015 at 7:29pm, performed a roll call for attendance, and led all present in the pledge of allegiance.

Members Present:

W. Baldwin, Chair
P. Consentino
W. Friel
J. Grosky
H. Morse, Vice Chair

Others Present:

B. Innes, Town Administrator
T. Stewart, Road Agent

Approval of Consent Agenda:

- 3/23/2015 – Regular Meeting Minutes
- 3/30/2015 – Non-Public Meeting Minutes
- 3/30/2015 – Regular Meeting Minutes
- Donations: Transportation - \$145

H. Morse made a motion to approve the Consent Agenda with amendments to the minutes of the 3/23/2015 Regular Minutes. Second. P. Consentino. 5/0/0.

Appearance:

Highway Dept. Overview – Ted Stewart

Mr. Stewart appeared before the Board of Selectmen to provide an overview of the Highway Department:

- Today was the first day of work for the new Assistant Road Agent, Adam Stasio - all went well.
- The Highway Department budget is currently over-expended in the amount of \$69,000 on the contract labor line. This amount will be going up to \$75,000 due to new bills coming in.
 - There were three days over the winter that were declared a state of emergency and Mr. Stewart will be attending a FEMA meeting in Derry on April 13th to apply for reimbursement for those three days.
 - Money cannot be taken out of Road Paving to help offset this over expenditure.
 - The Town could petition the DRA for use of the undesignated fund balance to cover this overage.

Discussion occurred around how Mr. Stewart tracks hours for the contractors. Mr. Stewart explained that he keeps a log of the time he calls the contractor in for work (which includes 15-20 minutes of travel time) and the time the contractor leaves. Mr. Stewart is always out supervising the work being done. The contractor's work time is not stopped if he or she needs to stop for gas or for small repairs such as a broken windshield wiper. The Board of Selectmen sets the rates for the contractors. There Town currently does not require contracts with vendors. Levels of insurance coverage need to be put in place to ensure coverage if the contractor is responsible for any damage he may have caused. There are also no background checks being done. Mr. Stewart will provide a list of the six contractors that are used by the town. Mr. Baldwin would like to ensure the town is protected so The Board of Selectmen will discuss this matter in a workshop on May 18th beginning at 6:30pm, but prior to that Mr. Innes will work with Mr. Stewart on collecting data from other towns on rates, equipment, and contracts.

- Mr. Stewart is concerned with the state of the fields and feels as though April 15th will be too early to open the fields. Mr. Innes will work with Mr. Stewart and Ms. Travers on this matter and will keep the fields closed until they can be opened without causing damage.
- Mr. Stewart explained a bid has gone out to crack-seal roads. The lowest bid came back at \$21,000.
- Mr. Stewart explained that he has up to 48 hours to respond in the event someone calls about a pot hole. Mr. Stewart encourages residents to contact State Representatives with regards to state owned roads in Townon this matter. Mr. Baldwin asked Mr. Innes to add this topic to the workshop on May 18th.

Old Business:

Assistant Bookkeeper – Approval to Hire

Per the Board of Selectmen’s request, Mr. Innes informed the Department Heads of this open position asking if any of their staff would be interested in the job. Mr. Innes received no response and asked the Board of Selectmen to approve the hire of Sue Coppeta at the rate of pay of \$18.00 per hour based on budget affordability and the requirements of the job.

W. Friel made a motion to approve the hire of Sue Coppeta for the Assistant Bookkeeper position at the rate of pay of \$18.00 per hour subject to budget restrictions. Second. P. Consentino. 5/0/0.

Tour-de-Cure-Costs and Approval

Mr. Innes asked the Board of Selectmen to approve a bicycle ride event to raise money for diabetes education and research. The event is called the Tour-de-Cure and will be held on Sunday, May 17th from 7:30am – 10:00am. Chief Brackett has reviewed the event and believes there should be four police officers scheduled to assist with traffic flow at various places, which Mr. Innes has asked the sponsors of the bike race to pay for.

J. Grosky made a motion to authorize Tour-de-Cure to pass through the Town of Atkinson on May 17th subject to the group meeting with the Police Chief and paying for four details to assist with traffic flow. Second. H. Morse. 4/0/1. W. Baldwin recused himself from the motion.

School Committee Budget Open Position

Mr. Innes explained the position will be open to receive applications until April 13th. Interviews will be conducted on April 20th. A decision will be made on April 27th.

Open Positions

Mr. Innes read the following open positions out loud. They are posted on ACTV and the town website. All Department Heads have been notified.

- Board of Adjustment (ZBA) 2 for 3 years
- Board of Adjustment Alternates 2 for 3 years
- Conservation Commission 2 for 3 years
- Energy Commission 2 for 3 years
- Family Mediation Board 2 for 1 year
- Heritage Commission 2 for 1 year
- Alternate Heritage Commission 2 for 1 year
- Highway Safety Committee 2 for 1 year
- Homeland Security Director 1 for 1 year
- Planning Board 2 for 3 years

- Recreation Commission 2 for 3 years
- Technology Committee 2 for 3 years
1 for 2 years
1 for 1 year
- American Disabilities Act Coord. 1 for 1 year
- Building Inspector 1 for 1 year
- Code Enforcement Officer 1 for 1 year
- Assistant Code Enforcement Officer 1 for 1 year
- Electrical Inspector 2 for 1 year
- Plumbing & Gas Inspector 1 for 1 year

Replacement for Sue Killam

Mr. Innes has advertised for this position in the Union Leader, Carriage Town News, ACTV and on the Town Website. He has not received any responses yet. Mr. Consentino asked about placing the ad in the Eagle Tribune, but Mr. Innes said it was too expensive to do that.

New Business:

Police Cruiser Emergency Equipment – Approval to Purchase

Mr. Innes presented the following bids to the Board of Selectmen with the recommendation from Chief Brackett to award the bid to MHQ in the amount of \$7,743.42.

Company	Contact	\$	Details
2-Way Communications Service, Inc.	Rick Woods 800-441-6288	10,779.00	Bid Spec
2-Way Communications Service, Inc.	Rick Woods 800-441-6288	10,307.00	Upgraded lighting controller and light bar promo package
Adamson Industries Corp.	Tiffanie 978-681-0370	9,053.00	
MHQ	603-325-0995	7,743.42	

H. Morse made a motion to award the bid for Police Cruiser Emergency Equipment to MHQ in the amount of \$7,743.42 per the recommendation of Chief Brackett. Second. J. Grosky. 5/0/0.

Budget Status – Q1 YTD

Mr. Innes gave an update on the Operating Budget for Q1 15. So far, the town has spent 24.6% of the budget and this is concerning to Mr. Innes because typically the town usually spends between 22% - 23.5% at this point in time. Due to a hard winter, there are several reasons why the budget is running tight; however Mr. Innes would like to keep a close eye on it. Mr. Baldwin would like to evaluate the budget in June to decide whether or not it is appropriate to restrict it.

Overtime Enforcement Patrols Grant

Mr. Innes updated the Board of Selectmen that the Police Department has been given a grant for overtime enforcement patrols.

Conflict of Interest Committee Motion

Mr. Grosky made the following motion:

J. Grosky made a motion that the Board of Selectmen send a formal request under the Right to Know Law to the Conflict of Interest Committee to provide and maintain all of their records not limited to audits and written records for their meetings occurring between November 1, 2014 and today; and to instruct the Conflict of Interest Committee to not dispose of any said records; and to request that the Conflict of Interest Committee provide to the Town Clerk by 11am Friday, for secure and safekeeping, any records the Committee believes are exempt from release; and to further direct the Town Administrator with the passage of this motion to deduce it to written, formal 91-a request to be mailed and emailed to the committee forthwith Second. H. Morse. 4/0/1. P. Consentino recused himself from the motion.

Mr. Grosky went on to explain that his concern is whether the Town's Conflict of Interest Committee is meeting in accordance with the right to know law, also known as 91-a. Mr. Grosky stated the following:

“My concern is that the Committee is improperly using non-public meetings to meet and conduct its business in secret. The most recent example comes from its meeting last week, Thursday, April 2nd. Listed on its agenda was going into non-public session under RSA-J91a-3 Ilc legal. I got to their meeting late after it came out of a non-public session. I spoke with the Chairman, Ray Fournier, who explained the Committee did meet in a non-public session to discuss taking legal action as a result of the Selectmen's decisions last week on the recommendation made by the Committee as a result of their findings. On Friday, a day after the Committee's meeting, Mr. Innes contacted Mr. Fournier by email seeking the Committee's basis for meeting in non-public. Mr. Fournier replied in writing: The legal issue is the Committee's possible legal actions against the selectmen. 91-a allows a Board to go into a nonpublic session under legal for “consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been adjudicated or otherwise settled. Mr. Innes inquired further of Mr. Fournier about what pending claims or litigation the Conflict of Interest Committee was pending or threatened. I was not aware whether those questions were answered by Mr. Fournier. Discussing whether to bring a legal action is not basis to go into non-public session. I am also aware that the Committee audio records its meetings, including its non-public sessions and is unsure what happens to those recordings, though the most recent minutes make note of voting to seal non-public minutes. The Town of Atkinson could not be held liable for any violations of the right to know law by and of its elected Committees. As such, I believe the Board of Selectmen has a right to be concerned and inquire. It seems questionable that the Conflict of Interest Committee has a legal right to meet in secret last week. Further, I wonder about their use of non-public sessions over the last several months up to flurry of opinions released just before Election Day”

Mr. Grosky explained a letter has been received by NHMA concerning some general guidance on conflict of interest ordinances. Mr. Grosky asked that the letter be attached to the minutes.

Memorial Day Parade Name Tags

Mr. Innes will order name tags for the Board of Selectmen to wear at the Memorial Day Parade. Mr. Morse will not be able to attend the parade. The Selectmen will pay for the tags using their own money.

Stipend for Wendy Barker

Mr. Innes asked the Board of Selectmen to approve giving Wendy Barker a stipend in the amount of \$1,500 for all the work she has done on the Town Website and for her assistance in putting together the town report.

H. Morse made a motion to give Wendy Barker a stipend in the amount of \$1,500 for all the work she has done on the Town Website and with the town report. Second. J. Grosky. 5/0/0.

Regular Meeting Agenda

Mr. Grosky asked whether or not the Regular Meeting Agenda could be posted on the Town Website prior to the meeting. Mr. Innes will ask Ms. Barker and Mr. Williams about this and get back the Board of Selectmen on this matter.

Future Dates:

- 4/9/2015 – Newport Playhouse leave Community Center 9am – return 6pm
- 4/11/2015 – Boy Scout Electronics Recycling Fundraiser Community Center 8:00 – 12:00
- 4/14 & 4/16/2015 – AARP Driver Safety Community Center 9am – 12 Noon
- 5/2/2015 – Fishing Derby Community Center Registration 7:30am – Children to age 12

Announcements:

Edwards Twins

Mr. Consentino announced that the Edwards Twins will be performing on Saturday, May 16th at 7:00pm. A silent auction will be preceding the event beginning at 5:30pm. This event is sponsored by the Lions Club.

Easter Egg Hunt

Mr. Grosky announced he attended the Easter Egg Hunt at the Community Center and commented how great of an event it was.

H. Morse made a motion to adjourn the Regular Meeting on April 6, 2015 at 9:16pm. Second. P. Consentino. 5/0/0.

Respectfully Submitted,
Amanda Lueders

William Baldwin, Chair

Phil Consentino

William Friel

Jason Grosky

Harold Morse, Vice Chair