

*Town of Atkinson
Board of Selectmen
Meeting Minutes
January 25, 2016*

W. Baldwin opened the Regular Meeting of Monday, January 25, 2016 at 7:39pm and led all those present in the Pledge of Allegiance.

Members Present:

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

Members Absent:

Others Present:

L. Artus, Atkinson Resident
J. Garrity, Town Moderator
A. Phair, Town Administrator

Public Hearing

Mr. Baldwin opened the Public Hearing on Non Money, Non Planning Articles at 7:40pm.

The following Warrant Articles were read out loud by Mr. Phair.

Article #2016 – 17 Administrative Enforcement Ordinances

Shall the Town adopt the provisions of RSA 31:39-c Administrative Enforcement of Ordinances, which state:

Notwithstanding any other provision of law, a town may use the following provisions in the enforcement of its ordinances and regulations:

- I. Any town may establish, by ordinance adopted by the legislative body, a system for the administrative enforcement of violations of any municipal code, ordinance, bylaw, or regulation and for the collection of penalties, to be used prior to the service of a formal summons and complaint. Such a system may be administered by a police department or other municipal agency. The system may include opportunities for persons who do not wish to contest violations to pay such penalties by mails. The system may also provide for a schedule of enhanced penalties the longer such penalties remain unpaid; provided, however, that the penalty for any separate offence shall in no case exceed the maximum penalty for a violation as set forth in RSA 31:39, III.
- II. A written notice of violation containing a description of the offense and any applicable schedule of penalties, delivered in person or by first-class mail to the last-known address of the offender, shall be deemed adequate service of process for purposes of any administrative enforcement system established under paragraph I.
- III. If the administrative enforcement system established under paragraph I is unsuccessful at resolving alleged violations, or in the case of a town that has not established such a system, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39.

Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain

Article #2016 – 18 Acceptance of Unanticipated Sources of Funds

Shall the Town accept the provisions of RSA 31:95-b, providing that any town, at an annual meeting, may adopt an article authorizing indefinitely, until specific rescission of such authority, the Selectmen to apply for, accept and expend, without further action by the Town Meeting, unanticipated money from a state, federal or other governmental unit or a private source which becomes available during the fiscal year?

Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain

Article #2016 – 19 Acceptance of Reports

Shall the Town accept reports of agents, auditors and committees as written in the 2015 Annual Report?

Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain

Article #2016 – 20 Conflict of Interest Legal Line (by Petition)

Shall the Town of Atkinson establish a legal expense line for the Conflict of Interest Committee in the amount of \$100.00 to handle legal consultation in regards [sic] to conflict of interest complaint, as necessary?

Without Budget Committee Recommendation: 5 Yes, 0 No, 0 Abstain

Article #2016 – 21 Conflict of Interest Ordinance (by Petition)

To eliminate the conflict between this ordinance and Statutory Law. The Statute that allows the establishment of Conflict of Interest ordinances (RSA 31:39-a) clearly states that “The superior court shall have jurisdiction over any removal proceedings instituted under an ordinance adopted under this section.” In order to make the Town of Atkinson Conflict of Interest Ordinance compliant with this Statute.

Shall the Town of Atkinson make the following changes to the language of the Conflict of Interest Ordinance?

Section VII. F. AFTER “Findings shall include supporting arguments” STRIKE “to order removal of or” AND ADD AT THE END “in the case of a recommendation for removal, the Selectmen SHALL forward said recommendation to Rockingham Superior Court for adjudication.

Section VII. H. STRIKE “If the Selectmen determine, by a majority vote, that removal is warranted, the elected or appointment member” AND REPLACE WITH “If a recommendation for removal is made the respondent [sic]”

Section VII. ADD Letter “L” STATING “If the subject of the conflict of interest complaint is a member of the Board of Selectmen, the remaining Board Members must recuse themselves from sitting in judgement [sic] of any punishment, as doing so will result in a violation of this Ordinance, in this case a petition SHALL be made to Rockingham Superior Court to either adjudicate the recommended punishment, or to appoint at least three former Selectmen for this purpose.”

Current

Wording

F. Findings as to elected and appointed members (excluding town employees) shall be forwarded to the respondent and Selectmen with a recommendation for removal or censure, if appropriate. Findings shall include supporting arguments. The Selectmen shall have authority to order removal of or censure said elected or appointed members.

Revised

Wording

F. Findings as to elected and appointed members (excluding town employees) shall be forwarded to the respondent and Selectmen with a recommendation for removal or censure, if appropriate. Findings shall include supporting arguments. The Selectmen shall have authority to - - - censure said elected or appointment members. In the case of a recommendation for removal. The Selectmen SHALL forward said recommendation to Rockingham Superior Court for adjudication.

Current

Wording

H. If the Selectmen determine, by a majority vote, that removal is warranted, the elected or appointment member shall be given the opportunity to resign. If said member chooses not to resign, a petition to remove shall be filed with the Superior Court.

Revised

Wording

H. If the recommendation for removal is made the elected or appointment member shall be given the opportunity to resign. If said member chooses not to resign, a petition to remove shall be filed with the Superior Court.

Section VII. ADD Letter “L”

STATING “If the subject of the conflict of interest complaint is a member of the Board of Selectmen, the remaining Board Members must recuse themselves from sitting in judgement [sic] of any punishment, as doing so will result in a violation of this Ordinance, in this case a petition SHALL be made to Rockingham Superior Court to either adjudicate the recommended punishment, or to appoint at least three former Selectmen for this purpose.”

Mr. Baldwin asked for public input on Article #2016 – 17 Administrative Enforcement Ordinances

Mr. Artus appeared before the Board of Selectmen regarding Article #2016-17 and explained he would be against the article because it would give the Board of Selectmen too much power.

Mr. Baldwin asked for public input on Article #2016 – 18 Acceptance of Unanticipated Sources of Funds

Mr. Artus appeared before the Board of Selectmen regarding Article #2016-18 and explained he would be against the article because it would give the Board of Selectmen too much power and not enough transparency.

Mr. Baldwin asked for public input on Article #2016 – 19 Acceptance of Reports

No public input was made.

Mr. Baldwin asked for public input on Article #2016 – 20 Conflict of Interest Legal Line (by Petition)

Mr. Artus appeared before the Board of Selectmen regarding Article #2016-20 and explained this particular budget line was supposed to go before the Budget Committee but was removed by the Board of Selectmen prior to. Mr. Artus claimed the Board of Selectmen does not have the authority to remove budget lines and felt as though the way Mr. Grosky handled the situation was out of line. Mr. Grosky responded by stating he sent an email to the Budget Committee explaining his position on this and did not handle it in an inappropriate way. There was no member present from the Conflict of Interest Committee.

Mr. Baldwin asked for public input on Article #2016 – 21 Conflict of Interest Ordinance (by Petition)

No member was present from the Conflict of Interest Committee. The Board of Selectmen referenced the Town Ordinance book. Mr. Phair will follow up on the wording.

Mr. Baldwin closed the Public Hearing at 8:04pm and returned to the Regular Meeting.

Approval of Consent Agenda:

- Minutes:
 - 1/11/2016 Regular Meeting Minutes
- Assessing
 - Veteran’s Tax Credit
 - Map 8 Lot 103 36 Meditation Lane Rec: Grant \$500
 - Map 14 Lot 60 42 Academy Avenue Rec: Grant \$500
 - Veteran’s Permanent Disability
 - Map 8 Lot 103 26 Meditation Lane Rec: Grant \$2,000
- Donations
 - Elder Services Trust Funds - \$100
 - Elder Services Transportation Fund - \$1,160

P. Consentino made a motion to approve the Consent Agenda of 1/25/2016. Second. W. Friel.

Appointment

Robert Frost By-Way Committee – Gwendolyn Grotenhuis

P. Consentino made a motion to appoint Gwendolyn Grotenhuis to the Robert Frost By-Way Committee. Second for Discussion. J. Grosky. Mr. Grosky suggested a 1 year term to end 2017, which was added to the motion. 5/0/0.

Old Business

Police Dispatch Contract

Mr. Baldwin explained there is no new information on this topic so it will be deferred until next week.

Recycling Center Winter Hours

The Board of Selectmen received a letter from Mr. Stewart with the recommendation for the facility to be left open through the winter. It would be a benefit to the town cost wise because it would produce some revenue.

P. Consentino made a motion to keep the recycling center open through the winter. Second for Discussion. J. Grosky. Mr. Phair will follow up with Mr. Stewart to find out where the money will come from out of his budget. 5/0/0.

New Business:

Recommendation on Warrant Article #2016-17, 18, 19, 20, 21

W. Friel made a motion to recommend Article #2016 – 17 Administrative Enforcement Ordinances. Second. H. Morse. 4/0/1. P. Consentino abstained from the motion.

P. Consentino made a motion to recommend Article #2016 – 18 Acceptance of Unanticipated Sources of Funds. Second. H. Morse. 5/0/0.

P. Consentino made a motion to recommend Article #2016 – 19 Acceptance of Reports. Second. H. Morse. 5/0/0.

J. Grosky made a motion to recommend Article #2016 – 20 Conflict of Interest Legal Line (by Petition). Second for Discussion. P. Consentino. 0/4/1. P. Consentino abstained

H. Morse made a motion to recommend Article #2016 – 21 Conflict of Interest Ordinance (by Petition). Second for Discussion. J. Grosky. 0/4/1. P. Consentino abstained

Announcements

Deliberative Session – Jim Garrity

Town Moderator, Jim Garrity appeared before the Board of Selectmen to remind residents that the 2016 Town of Atkinson Deliberative Session will be held on Saturday, January 30, 2016 at 10:00 am in the Dyke Auditorium at Atkinson Academy.

Future Dates:

- 1/27/2016 – Senior Winter Social 12 noon Atkinson Community Center.
- 1/28/2016 – “Town Meeting in NH” – 6:30PM Kimball Library sponsored by the Historical Society
- 1/30/2016 – Deliberative Session Atkinson Academy Dyke Auditorium – 10am
- 2/4/2016 – TRSD Deliberative Session – 7PM Timberlane High School
- 2/9/2016 – Presidential Primary Community Center – 7AM to 8PM
- 3/8/2016 – Atkinson Town Meeting 7am – 8pm (voting for Town candidates & Warrant Articles)

P. Consentino made a motion to adjourn the Regular Meeting of January 25, 2016 at 8:36pm. Second. H. Morse. 5/0/0.

Respectfully Submitted,
Amanda Lueders

William Baldwin, Chair

Phil Consentino

William Friel

Jason Grosky

Harold Morse, Vice Chair