

DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

**DUNBARTON BOARD OF SELECTMEN
MINUTES OF MEETING
THURSDAY, MARCH 26, 2015
TOWN OFFICES – 7:00 P.M.**

The Dunbarton Board of Selectmen held the regularly scheduled meeting of the Dunbarton Board of Selectmen at the above time, date and place with Brian Pike, Chairman, presiding.

The following were present:

Brian Pike, Chairman
Ted Vallieres, Selectman
Tom Groleau, Selectman
Line Comeau, Town Administrator
Alison Vallieres, Recording Secretary

Members of Boards/Committees and Town Officials:

Patrick Bowne, Transfer Station Manager
Judy VanKalken, Tax Collector
Dan Sklut, Police Chief
John Stevens, Chairman, Energy Committee
Ken Swayze, Chairman, Planning Board
Donna Dunn, Historic Awareness Committee
Leo Martel, Historic Awareness Committee
Fred Mullen, Town Moderator
Jeff Trexler, School Board

Members of the Public:

Robert Martel
Pam Sklut
Fran Hill
Mert Mann
Ralph Fellbaum

Brian Pike, Chairman, called the meeting to order at 7:03 p.m. with a full Board present along with Line Comeau, Town Administrator, and Recording Secretary Alison Vallieres.

Approval of Minutes of Previous Meeting - Thursday, March 19, 2015:

MOTION:

Tom Groleau made a motion to approve the minutes of the Board of Selectmen's Meeting held on Thursday, March 19, 2015 as written. Ted Vallieres seconded the motion. The motion passed unanimously.

Approval of Minutes of Previous Non-Public Minutes - Thursday, March 19, 2015 (Police Chief) starting at 8:15 p.m.:

MOTION:

Tom Groleau made a motion to approve the minutes of the Non-Public Meeting (Police Chief) of Thursday, March 19, 2015 starting at 8:15 p.m. as written. Ted Vallieres seconded the motion. The motion passed unanimously.

Approval of Minutes of Previous Non-Public Minutes - Thursday, March 19, 2015 (Town Administrator) starting at 8:34 p.m.:

MOTION:

Tom Groleau made a motion to approve the minutes of the Non-Public Meeting (Town Administrator) of March 19, 2015 starting at 8:34 p.m. as written. Ted Vallieres seconded the motion. The motion passed unanimously.

At this point in the meeting, Brian Pike, Chairman, stated he would be on vacation the week of April 14-20, 2015 and felt that the Board of Selectmen should elect a Vice-Chairman. Based on this, the following motion was made:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen make Ted Vallieres the Vice Chairman. Brian Pike seconded the motion. The motion passed unanimously.

APPOINTMENTS:

The following appointments were made based on Appointment paperwork received from the Town Clerk:

Deputy Welfare Director:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen appoint Tammy Fitzpatrick as Deputy Overseer Welfare Director with a term ending on March 31, 2016. Ted Vallieres seconded the motion. The motion passed unanimously.

Dunbarton Conservation Commission:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen appoint Matt Levy as an Alternate to the Dunbarton Conservation Commission with a term ending on March 31, 2018. Ted Vallieres seconded the motion. The motion passed unanimously.

Dunbarton Zoning Board of Adjustment:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen appoint John Trottier, Dan DalPra and Michael Kaminski to the Dunbarton Zoning Board of Adjustment with terms ending on March 31, 2018. Ted Vallieres seconded the motion. The motion passed unanimously.

Dunbarton Historic Awareness Committee:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen appoint Tiffany Dodd, Ken Swayze and Alison Vallieres to the Dunbarton Historic Awareness Committee with terms ending on March 31, 2018. Ted Vallieres seconded the motion. The motion passed unanimously

It was noted for the record, that Kenneth Swayze and Alison Vallieres had already been appointed to the Dunbarton Awareness Committee at last week's Board of Selectmen's Meeting.

Dunbarton Town Hall Theatre Restoration Committee:

The following names were submitted for reappointment to the Dunbarton Town Hall Theatre Restoration Committee:

Tiffany Dodd
Margaret Watkins
Shelley Westenberg
Travis James
Clement Madden

At this point, the following motion was made:

MOTION:

Brian Pike made a motion that the Dunbarton Board of Selectmen table the names submitted for reappointment to this Committee until the Board of Selectmen has an opportunity to talk with the Committee. Tom Groleau seconded the motion. The motion passed unanimously.

Old Home Day Committee:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen appoint George Maskiell, John Stevens, Nancy Lang, and Travis James to the Old Home Day Committee with terms ending on March 31, 2016. Ted Vallieres seconded the motion. The motion passed unanimously.

OTHER BUSINESS:

Milfoil DES Agreement:

Line Comeau, Town Administrator, presented additional paperwork for signature from DES regarding the Milfoil Treatment. Ted Vallieres signed the required paperwork as he was the Chairman at the time the agreement was initiated.

Resignation of Deputy Welfare Director:

The resignation of Elizabeth Underwood as Deputy Welfare Director was received. The following motion was made:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen accept the resignation of the Deputy Welfare Director Elizabeth Underwood effective immediately. Ted Vallieres seconded the motion. The motion passed unanimously.

At this point in the meeting, John Stevens stated that Ken Koerber was also a member of the Old Home Day Committee which should be appointed. The following motion was made:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen appoint Ken Koerber as a member of the Old Home Day Committee with a term ending on March 31, 2016. Ted Vallieres seconded the motion. The motion passed unanimously.

Step Increase Chart reflecting the 1.5% CPI for 2015:

Line Comeau, Town Administrator, presented the Board of Selectmen with the updated Step Increase Chart reflecting the 1.5% CPI for 2015. Brian Pike signed the appropriate paperwork. Ted Vallieres asked about taking out the Step Increase Chart taken out of the Personnel Plan.

It was noted that the Personnel Plan should be revisited as to amendments. This will be discussed at another meeting. It was suggested that the Board of Selectmen hold a Public Hearing regarding any amendments to the Personnel Plan.

Sign Policy:

Line Comeau, Town Administrator, stated that she had received a request from Shelley Westenberg of the PTO regarding putting the Easter Bunny Breakfast on the Marquee in the Town Center. It was confirmed that this is not a political event. The Easter Egg Hunt is still up in the air due to the snow.

The Board of Selectmen reached a consensus that the PTO be allowed to put the Easter Bunny Breakfast on the Marquee in the Town Center.

Merrimack County Delegation Public Hearing on Budget:

It was noted that the Board of Selectmen received a notice of a Public Hearing for the Merrimack County Budget to be held on Monday, March 23, 2015. It was noted that the notice was received too late for attendance, etc.

Dunbarton Food Pantry:

Tom Groleau reported that the Dunbarton Food Pantry was relocated to the Goffstown Episcopal Church. He noted that he had seen this on Hot Topics on the Dunbarton Web Site. The liability insurance has been transferred to the Goffstown Church. The Board of Selectmen requested Line Comeau to contact Deb Urella to come to the next Board of Selectmen's Meeting to discuss the Food Pantry.

Judy VanKalken asked why the Food Pantry was moved to Goffstown. She felt it should stay in Town. It was reported that Deb Urella had moved.

TOWN HALL ROOF REPLACEMENT:

At this point in the meeting, Jeff Trexler and Ralph Fellbaum appeared before the Board of Selectmen to discuss the replacement of the Town Hall Roof as follows:

Jeff Trexler noted the following:

1. Presented a structural conditions report on the Town Hall Roof and pictures. He noted the existing roof trusses would need to be reinforced prior to replacement of the roof whether the replacement roof was slate or metal and be included in the RFP.
2. There are deficiencies in the existing frame of the roof which should be fixed. Would like to straighten the existing trusses.

3. This work would involve getting long timber into the roof area via the roof. Would have to take some roof boards off to get materials into the work area.

4. Estimated cost with volunteer labor would be between \$1,000 - \$2,000 for materials and labor.

Board of Selectmen discussed whether or not the Warrant Article specifically mentioned any construction to the roof other than the roof replacement.

Based on this information, the Board of Selectmen reached a consensus that any repairs to the structural conditions of the roof would be paid by the Town Building Maintenance Fund and not through the Warrant Article.

5. It was suggested that the Town get prices and samples on both slate and metal roof. Once these are received, the Board of Selectmen can have an open discussion on which type roof should be put on.

At this point, Fred Mullen mentioned that during the Town Meeting discussion, it was noted that an interlocking steel roof is difficult to do repairs. What about rust after damage, etc.?

Several roofing companies were mentioned as follows:

NH Iron Horse
Therrien Roofers
Ekko
Tamko

Ralph Fellbaum felt that the roof had slate on it before and we should consider putting slate back on it. The roof we are replacing also had a lifetime guarantee and that did not happen. We should also be looking at how long a product has been on the market.

Jeff Trexler suggested that we look for an architect to help. Cost would be between \$500-\$800. The following names were suggested:

Dennis Mires
Jere Tepe, Hopkinton
David White, Goffstown

The Board of Selectmen reached a consensus to talk with architects regarding the roof replacement and bring information back to the Town.

OTHER BUSINESS:

Right to Know Request:

Line Comeau, Town Administrator, brought up the discussion of Right to Know Request for Non-Public Minutes and the response from Town Counsel. Town Counsel has reported that certain minutes should have been sealed. She is advising the Board of Selectmen to seal the following minutes:

March 6, 2014
June 5, 2014 (7:54 p.m.)
June 19, 2014
August 16, 2012
October 4, 2012
December 19, 2013

Town Counsel has advised as follows:

The minutes are being withheld as records pertaining to internal personnel practices and confidential records, pursuant to RSA 91-A:5, IV and the case of Orford Teachers Assoc. v. Watson, 121 NH 118 (1981). Given that their contents could be detrimental to the reputations of those individuals discussed and that they should have been sealed at the time.

Based on Town Counsel's advice, the following motion was made:

MOTION:

Brian Pike made a motion that the Dunbarton Board of Selectmen retroactively seal the minutes of the following Non-Public Meetings:

*March 6, 2014
June 5, 2014 (7:54 p.m.)
June 19, 2014
August 16, 2012
October 4, 2012
December 19, 2013*

Tom Groleau seconded the motion. The motion passed unanimously.

All minutes which Town Counsel advised retroactively sealing were sealed at this time.

Town Counsel has agreed to draft a response if the Board of Selectmen agrees.

The Board of Selectmen reached a consensus to have Town Counsel draft a response to the request for Non-Public Minutes.

Selectmen's Comments:

Time Capsule for 250th Anniversary:

Brian Pike, Chairman, asked if the 250th Committee had considered a Time Capsule.

Alison Vallieres reported that the Dunbarton Historical Society did a Time Capsule for the 200th Anniversary Celebration which will be opened during the 250th Celebration. The 250th Committee has discussed this and will bring it up at the next meeting to be held in April.

Technology Committee:

Tom Groleau reported that he received a call from Eric Weiss regarding the Technology Committee and whether they would be discussing high speed internet service. Tom Groleau noted that this was one of the items the Committee would be looking at. The first meeting of the Technology Committee will be held on Monday, March 30, 2015 at 7:00 p.m. at the Police Department Conference Room.

Ted Vallieres suggested getting in touch with the Dunbarton Telephone Company regarding they're already starting to wire for fiber optics.

Meeting with the School Board on Wednesday, April 1, 2015:

Brian Pike reminded the Board of Selectmen of the meeting with the School Board on Wednesday, April 1, 2015 at 6:30 p.m. re snow removal at the school.

New CIP Committee:

It was reported the new CIP would be looking for volunteers. Will put a message on the Dunbarton Web Site.

Brian Pike, Chairman, noted that this year, the Committee will be doing the CIP on their own without the assistance of Central New Hampshire Regional Planning.

Comments from the Public:

Band Stand Roof:

Donna Dunn reported that the Bandstand also has issues with the roof. They are the same product that was used on the Town Hall Roof.

Board of Selectmen suggested she work with Line Comeau in getting in touch with the vendor for replacement, etc. The settlement should include wages for putting the roof on.

At this point, discussion ensued as to whether or not the Marquee on the Common used the same roof product. Will have to research. Lara Routhier was the contact person for the Marquee sign.

Possibility of including the Bandstand and Marquee roofs in the RFP and having them bid separately.

Time Frame for Minutes:

Donna Dunn asked about the time frame for having minutes available on the web site and to the public, etc. She has not been a Chairman in a very long time and wants to make sure she is doing everything right. The Meeting Minutes say draft. Do we have to take the word "draft" off the minutes after they are approved? It was noted that the minutes are approved at the next meeting and would show any amendments. Should not have to take the draft note off the minutes. This would be very labor intensive. According to the RSA we have to have the minutes available in five business days.

Line Comeau, Town Administrator, read the RSA 91: A:2, II which states as follows:

RSA 91-A:2, II:

II. Subject to the provisions of RSA 91-A:2, II, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public... Minutes of all such meetings, including names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the meeting,

For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

Business days do not include Saturdays and Sundays and Holidays according to the RSA. This means that Selectmen's Minutes will be available on Thursday evening.

The Board of Selectmen reached a consensus that as long as the minutes are available in hard copy by Thursday evening, we comply with the Right to Know Law.

Line Comeau, Town Administrator, noted that eventually, we are hoping to give rights to Committees to post their own minutes.

She noted that presently, Alison, Line and Linda can post minutes. Line is in the process of training Jo-Marie and Steve to put minutes on the web site.

Leo Martel mentioned that he would like the minutes two days prior to the meeting so he could review for any corrections, etc. Brian Pike noted that the Selectmen's Minutes are the Board of Selectmen's minutes and it is up to us whether we want to amend them or not.

Comments by Tom Groleau in 3/19/2015 Minutes:

Donna Dunn stated that she felt that the comments made in the March 19, 2015 Minutes as follows were not appropriate and should not have been said nor included in the minutes, etc.

Page 6, Tom Groleau comments:

" Received a telephone call from Tiffany on Saturday evening. They evidently had a meeting Saturday evening. I found out that she had me on a speaker phone unbeknownst to me. I immediately said "This conversation is over".

..... This is a sneaky approach and I did not appreciate it. The meeting was posted on "Hot Topics" on the website. Would suggest that all meetings be put on the calendar and not under "Hot Topics".

Donna Dunn stated that the minutes were a permanent record and the word "sneaky" was not a good word to be using, etc.

Tom Groleau stated he felt that the fact that they had him on speaker phone without letting him know was in fact a "sneaky" thing to do.

Sign Ordinance:

Donna Dunn stated she was completely confused about the Sign Ordinance. She thought it was the sign at the Library that the Selectmen wanted down. Bear in mind that the Constitution is very specific. It also means wearing apparel, etc. It can be defined as any number of things. This was politically motivated. There was a lot of extra work by volunteers. You are opening a can of worms. Is this the only time since I have lived in Dunbarton (20 years) that this has happened?

The Board of Selectmen confirmed that the sign referred to was on the Transfer Station Building. Once it was taken down, it was moved to an island in the center at the Transfer Station.

Signs on Town Buildings:

It was noted that the particular sign in question was one posted on the Transfer Station building. This is why the Board of Selectmen agreed that signs on public buildings should be approved by the Selectmen on a case by case basis.

Bob Martel stated he had a correction to the minutes because they do not correctly state what his concerns were. He stated he was talking about signage on Town buildings. When you do minutes you should include the spirit of what the person is saying. You should be developing a criterion for signs to include, size, where located on Town Property. Stated if you don't want to be challenged in court, I strongly suggest you develop a criteria for signage. There is a US Supreme Court decision and State RSA's that have exemptions you can possibly adopt.

Alison Vallieres stated that the minutes of the Board of Selectmen meetings according to RSA, 91A:2, II, should be written as follows:

"Minutes of all such meetings, including names of members, persons appearing before the public and a brief description of the subject matter discussed and final decisions, shall be promptly recorded....."

The minutes are not verbatim minutes like a court transcript.

Bob Martel stated the Secretary is getting paid to get the minutes correctly and this did not state the spirit of his comments regarding the Sign Ordinance and the First and Fourteenth Amendments.

Judy VanKalken stated she felt the Sign motion was too "muddy".

Tom Groleau noted that he has a problem when the sign is attached to the building/structure. You don't want to damage the building.

Fred Mullen stated the Board of Selectmen should research the "Electioneering laws". You can hold a sign up but you cannot have a sign setting on the ground beside a vehicle. The school also has a policy of no political signs. The school made them move a sign that was touching the ground.

Judy VanKalken asked why the sign had to be removed. It could have been moved to a different spot.

Patrick Bowne, Transfer Station Manager:

Patrick Bowne, Transfer Station Manager, stated the following:

1. Stated he would like to be on the CIP Committee.
2. Regarding the sign, there was another sign on another Town Building (Town Library).
3. Question regarding the minutes having to be done in five work days. What about the recordings of the minutes?

Fred Mullen stated that the Board of Selectmen used to have the Town Hall/Library painted one side each year. It was noted that the Library does not do outside maintenance. The Town takes care of the outside of the building.

It was noted that the Library Trustees are in control of the Library property.

There being no further business, the meeting adjourned with the following motion:

MOTION:

Tom Groleau made a motion that the Dunbarton Board of Selectmen adjourn the meeting at 8:52 p.m. Ted Vallieres seconded the motion. The motion passed unanimously.

Respectfully submitted,

Alison R. Vallieres
Recording Secretary

Brian Pike, Chairman

Ted Vallieres, Selectman

Tom Groleau, Selectman